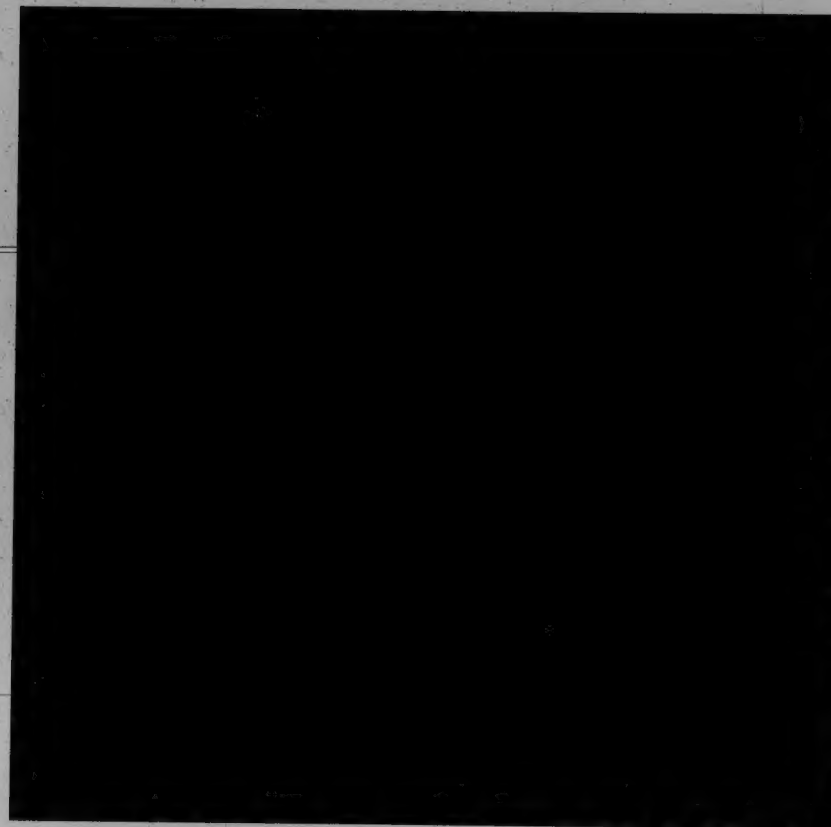
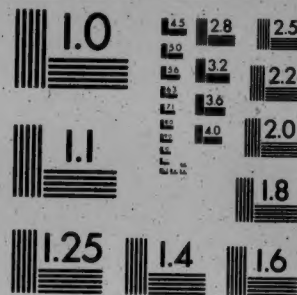
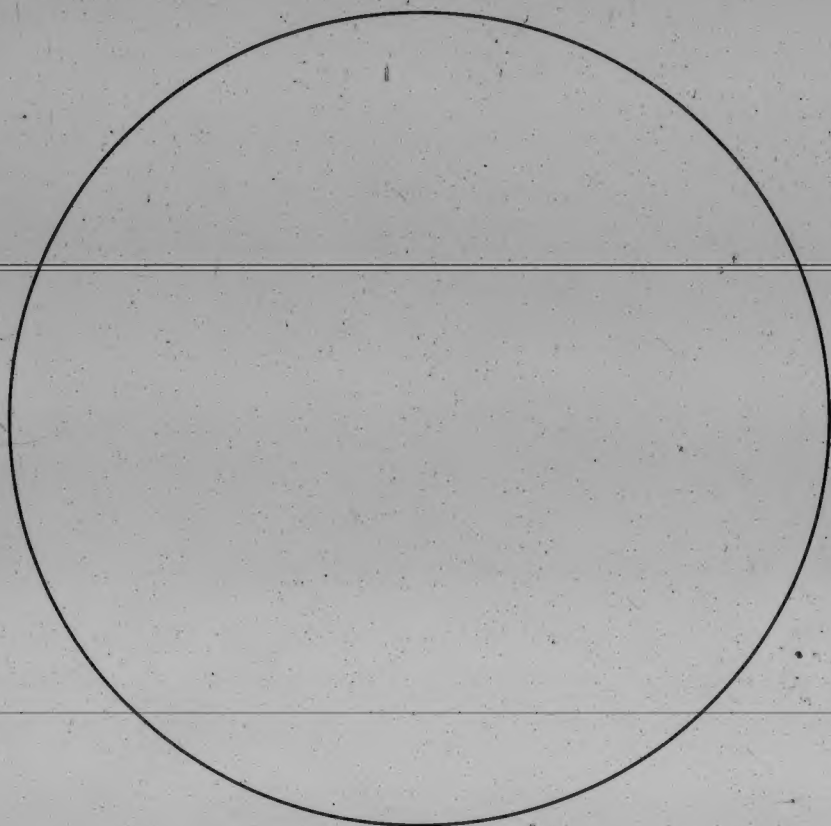
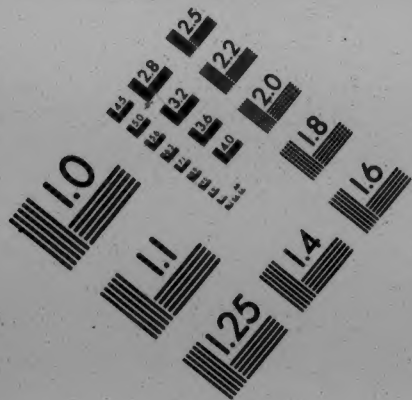
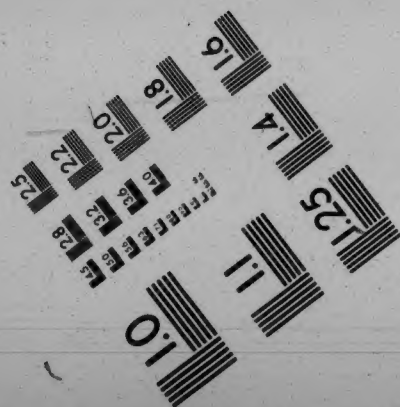
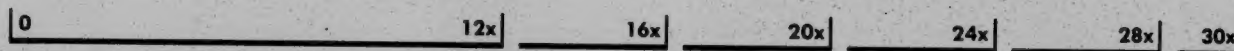


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Microfilm Publication M1301

**APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES**

**1898 - 1914**

**ROLL 134**

**MISSISSIPPI CHOCTAW MCR 4294- 4400**

**THE NATIONAL ARCHIVES  
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GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1983**



Choctaw MCR 4294

May Love

See MCR 3948

MCR 4294

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., December 5, 1901.

4  
8294.

In the matter of the application of May Love for identification as a Mississippi Choctaw.

---Represented by John Lenden, attorney---

May Love, having been first duly sworn, upon her oath testifies as follows :

Examination by the Commission:

- Q What is your name? A May Love.  
Q What is your age? A Twenty five.  
Q What is your post office address? A Richmond, Arkansas.  
Q How long have you lived at Richmond? A Two years.  
Q Where did you live before that? A We lived in Little River county.  
Q Were you born in that county? A Yes sir.  
Q And have always lived there? A Yes sir.  
Q What is your father's name? A Henry Love.  
Q Is he living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Jincy A. Love.  
Q You claim through which parent, father or mother? A Father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A No sir.  
Q When and where were your father and mother married? A I don't know sir.  
Q Do you know where they were married? A No sir.

Mr LONDON: We will furnish evidence of their marriage in the form of a marriage certificate.

Reasonable time will be allowed for that purpose.

- Q Are you married? A No sir.  
Q You claim for yourself alone? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?  
A No sir.  
Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A Yes sir.  
Q Do you understand that article? A No sir.

May Love-----2.

Q Would you like to have it explained to you further? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi, and was made for the purpose of removing all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in Indian Territory. Before the treaty was signed, it became known that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege if a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand the provisions of that article now? A Yes sir.

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article as read and explained? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified? A Thomas J. Love.

Q How much Choctaw blood did he have, if you know? A One half, I think.

Q What relation was he to you? A He was my great grandfather.

Q Did he live in Mississippi at any time during his life time?

A He lived there, I don't know where he died at.

Q Do you know where he was born? A No sir.

Q Do you know if he lived in Mississippi in the year 1830? A No sir.

Q Do you know if any of your Choctaw ancestors lived in Mississippi in 1830 and were the heads of families there? A No sir.

Q You claim through your father, Henry Love? A Yes sir.

Q And he claims through which parent? A His father.

Q What was his father's name? A John Love.

Q John Love's ~~name~~ father's name was what? A Thomas J. Love.

Q Did Thomas J. Love or his son John Love have Choctaw Indian names or speak the Choctaw language, either of them? A I don't know sir.

Q How old would Thomas J. Love be if living now? A I don't know sir.

Q How old would his son John be if living now? A I don't know.



May Love-----3.

Q Do you know where John Love was born? A No sir.

Q Do you know where he died? A No sir.

Q Did he live in Mississippi or Alabama? A In Mississippi I think.

Q Do you know where in Mississippi? A No sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi and take land there? A Yes sir, I think so.

Q What makes you think so? A They run him from Mississippi ever here to the nation.

Q Who run who? A They run my great grandfather from Mississippi

Q Thomas J. Love was run from Mississippi to the Choctaw Nation, Indian Territory? A Yes sir.

Q When was he run and by whom? A I don't know sir.

Q How do you know he was run out of Mississippi to the Choctaw Nation? A They have always taught us that he was run from there to the Choctaw Nation.

Q Who did you hear say that? A My father.

Q He said his grandfather was run out of Mississippi? A Yes sir.

Q By whom, did he say or did you ever hear? A No sir.

Q Did the government or the government agents do it, or did some private enemy do it? A I don't know.

Q Did you understand what he meant by that? A I think he was too much with the Indians, that he could not stay there.

Q But you didn't understand who drove him away? A No sir.

Q Had he done anything wrong to be driven out? A I don't think he did.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.

Q Did any of your Choctaw ancestors own or claim any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.

Q Did you ever hear that any of your Choctaw ancestors claimed benefits or rights or privileges under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir.

The Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified in order to take advantage of the provisions of article fourteen of that treaty, were required to register their names with the United States Indian Agent within six months from the ratification of that treaty if they wanted to take advantage of the provisions of article fourteen of that treaty. A great many Indians did this but failed to have their names placed upon Ward's Register by the United States Indian Agent. He left off the greater part of the Indians who came before him to register under that article of that treaty. His neglect to make a record of their names caused a great many Indians who had land in Mississippi and Alabama to lose their land and improvements on it, for it was taken



May Leve-----4.

from them by the government and sold. This caused so many complaints among the Indians that in 1837, by an act approved March 3 of that year, Congress appointed a Commission to go to Mississippi and this Commission heard a great many claimants under article fourteen of that treaty. In 1842, another Commission was appointed by Congress for the same purpose and that Commission heard a great many claimants under article fourteen of the treaty of 1830.

Q Did any of your ancestors go before either the Commission of 1837 or the Commission of 1842 and claim rights under article fourteen of that treaty? A I don't know sir.

Q You never heard? A No sir.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government---This scrip was a certificate issued to Indians who proved their rights under article fourteen and also proved they had had their land taken from them by the government. This scrip gave them authority to select land either in Mississippi, Alabama, Louisiana or Arkansas---Did you ever hear whether any of your Choctaw ancestors ever received any scrip? A No sir.

Q Are there any relatives whose testimony you desire to have considered in your case when the matter is taken up for consideration by the Commission?

Mr LONDON: We want the testimony in the Benjamin F. Leve case and the people who are here today; there are a number of others and I suppose it will apply in all these cases.

Benjamin F. Leve to whom reference is made is on Mississippi Choctaw Card 3932.

Q Is Fannie Leve your sister? A Yes sir.

Q Is Lula T. Johnson a relative of yours? A Yes cousin.

Q They claim through Thomas J. Leve? A Yes sir.

Q You want their testimony considered with yours? A Yes sir.

Q Have you any witnesses here to testify in this case? A No sir.

Mr LONDON: We have no witnesses today, we will wait to either file depositions or bring witnesses in person before the Commission and we will have some documentary evidence to file and will wait time in which to file that.

Motion is granted; reasonable time will be allowed for that purpose.

Q Do you speak Choctaw language? A No sir.

Q Is there anything more you want to say in support of this claim

A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium fair complexion, blue eyes, brown hair. She has no knowledge of the Choctaw language and no knowledge of any compliance on

May Love-----5.

the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 5th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 11th day of December, 1901.

*Charles Mitchell Wood*

Notary Public.

M.C.R. 4294

Muskogee, Indian Territory, July 18, 1902.

May Love,

Richmond, Arkansas.

Dear Madam:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Love, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry T. Love,	M.C.R. 3948
John H. Love, et al.,	" 3933
Will Love, et al.,	" 4296
Fannie Love,	" 4293
May Love,	" 4294
Bettie McConnell,	" 4296
Zeb Love,	" 4297
David A. Smith	" 3945
Katie A. Patterson, et al.,	" 4519
Lulu T. Johnson, et al.,	" 4292
Pink Smith, et al.,	" 4298
Charles C. Brown, et al.,	" 3939
A. P. Brown, et al.,	" 3940
Juliett Pierce, et al.,	" 3943
Hffie E. Perry, et al.,	" 3942
B. G. Brown,	" 3941
Fannie E. Coleman, et al.,	" 4063
Mabel Cobb, et al.,	" 4301
Hiram Coleman,	" 4302
Benjamin F. Love, et al.,	" 3932
Thomas J. Wilson, et al.,	" 3944
James H. Wilmon, et al.,	" 3938

M L -----2

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Love, John H. Love, Lewander Love, Will Love, Henry Love, Roy Love, Fannie Love, May Love, Bettie McConnell, Zeb Love, David A. Smith, Katie A. Patterson, Annie Patterson, James E. Patterson, Lulu T. Johnson, Leroy Johnson, Pink Smith, Erna Smith, Verna Smith, Lucy T. Smith, Clyde Smith, Sarah Smith, Charles C. Brown, Mattie P. Brown, Albert S. Brown, Charles T. Brown, A. P. Brown, Hattie Brown, Myrtle Brown, Ranie Brown, Louise Brown, Juliett Pierce, Robert A. Pierce, Sarah E. Pierce, Lucy M. Pierce, James T. Pierce, Louis G. Pierce, Joseph A. Pierce, Effie E. Perry, Bob Perry, Birdie Perry, E. G. Brown, Fannie E. Coleman, Katie Coleman, Preston Coleman, Annie Coleman, Arlie Coleman, Mable Cobb, Guy Cobb, Ray Cobb, Hiram Coleman, Benjamin F. Love, Benjamin W. Love, Jr., Mathew L. Love, Thomas J. Wilson, Mamie Wilson, Jesse Wilson, Roy Wilson, James H. Wilson, Ed Wilson, Colatus Wilson, Burlah Wilson, Ethel Wilson and Mary Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such



2 3

action as may be taken by him,

Yours truly,

(SIGNED)

Registered.

*L. D. Needles*

Commissioner in Charge

Muskogee, Indian Territory, October 11, 1902.

May Love,

Richmond, Arkansas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Love, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

Commissioner in Charge.

No. 4294

For Identification as a Mississippi Choctaw.

Date

DEC 5 1901

Name

May Love

Age

25

Blood

1/16

Post Office,

Richmond, Ark.

Father:

Henry Love b

Mother:

Lincy A " d

Claims through

father

~~Children:~~

Claims for self alone

H. C. Risher

Choctaw MCR 4295

Bettie Mc Connell

See MCR 3948

MCR 4295



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., December 5, 1901.

4295.

In the matter of the application of Bettie McConnell for identification as a Mississippi Choctaw.

---Applicant represented by John Londen, attorney---

Bettie McConnell, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Bettie McConnell.  
Q What is your age? A Twenty three.  
Q What is your post office address? A Centerville, Arkansas.  
Q How long have you lived there? A About a month.  
Q Where were you born? A Little River county.  
Q How long did you live in that county? A All my life.  
Q Is Centerville in that county? A No sir, it is in Tell county.  
Q You lived in Little River county until you went to Centerville?  
A Yes sir.  
Q What is your father's name? A Henry Leve.  
Q Is he living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Jincy A. Leve.  
Q You claim through which parent? A Father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your father ever been recognized in any way as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A I don't know sir.  
Q When and where were your father and mother married? A I couldn't tell you.  
Q Do you think you could produce the evidence of their marriage if given time?

Mr LONDON: I have the marriage license in my possession and it will be filed later.

- Q Are you married? A Yes sir.  
Q What is your husband's name? A Sims McConnell.  
Q Is he a white man? A Yes sir.  
Q Is he living? A Yes sir.  
Q Do you make any claim for him as an Indian? A No sir.  
Q Have you any children you want to make application for?  
A No sir.  
Q You just claim for yourself, do you? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application to be admitted as a citizen of the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory? A No sir.  
Q Have you ever made application for enrollment as a citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Bettie McConnell-----2.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q This is the first application of any kind that you have ever made for citizenship in the Choctaw Nation? A Yes sir.

Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians, living in Mississippi and Alabama in the old Choctaw Nation at that time for the purpose of removing all of these Indians to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became known that, a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. An article in a treaty is one of the sub-divisions of it. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever leave are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that? A Yes sir.

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article as read and explained to you? A No sir.

Q You claim through what ancestor? A My great grandfather, Thomas J. Love.

Q How much Choctaw blood did he have? A One half.

Q How do you know he had one half Choctaw blood? A That is what they always taught me.

Q Who taught you that? A My father Henry Love.

Q You claim through him? A Yes sir.

Q He claims through whom? A His father.

Q What was his father's name? A John Love.

Q And he claimed through whom? A He claimed through Thomas J. Love, his father.

Q Did Thomas J. Love or John Love or Henry Love, any of them, live in Mississippi or Alabama? A My father was born in Mississippi.

Q Where in Mississippi? A I couldn't tell you.

Bettie McConnell-----3.

- Q How old is he? A Sixty five.  
Q Then John Love was living in Mississippi, sixty five years ago, was he not? A Yes sir, I suppose so.  
Q Any way, your father's mother was? A Yes sir.  
Q And it is supposed his father was? A Yes sir.  
Q But do you know whether he was or not? A No sir.  
Q You have no positive knowledge of that fact? A No sir.  
Q Can you give the name of any ancestor of yours having Choctaw blood who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and was the head of a family there at that time? A No sir.  
Q How old would John Love be if living now? A I don't know sir.  
Q When did he die? A I don't know.  
Q Where did he die? A I couldn't tell you.  
Q When and where was he born? A I couldn't tell you.  
Q Could you tell me how old Thomas J. Love would be if living now? A No sir.  
Q Did he speak the Choctaw language or have an Indian name? A I don't know.  
Q Did he or any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory with the other Indians between the years 1833 and 1838? A I couldn't tell you.  
Q Did he or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.  
Q Did he or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent whose name was Colonel Ward and tell him they wanted to take land there in Mississippi, stay there and become citizens of the United States? A I don't know sir.  
Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under the provisions of article fourteen of the treaty of 1830? A I don't know sir.  
Q Did they claim any land or receive any or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplementary articles of that treaty? A I don't know.

The Indians who stayed in Mississippi and Alabama in 1831, refusing to go to the Indian Territory with the other Indians under the provisions of the treaty of 1830, were required if they wanted to take advantage of the provisions of article fourteen of that treaty to register their names with the United States Indian Agent within six months from its ratification and declare they intended to stay in Mississippi, take land there and become citizens of the United States. A great many Indians did this whose names were not placed by the agent upon his list known as Ward's Register. There are only seventy one heads of families on that list. It is known that over seven thousand Indians stayed back in the old Choctaw Nation. His failure to make a full and complete list of all who applied to him under that article of that treaty, caused a great many Indians to lose both land and improvements. The government took them and sold them. This caused so many complaints among the Choctaw Indians that in 1837, by an act approved March 3 of that year, a Commission was appointed and sent to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission

Bettie McConnell-----4.

was appointed by Congress for the same purpose under an act approved August 23 of that year. Both of these Commissions made full lists of the names of applicants who came before them respectively.

Q Did any of your Choctaw ancestors appear before either the Commission of 1837 or the Commission of 1842? A I don't know.

Q You never heard that they did? A No sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen, if it also appeared that he had previously had land taken from him by the government and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A I don't know sir.

Q Have you any witnesses that you wish to call now before the Commission?

MR LONDON: We want time allowed in which to produce witnesses before the Commission or take depositions.

Reasonable time will be allowed.

Q Who is Benjamin F. Love? A My uncle.

Q He has appeared here for identification before the Commission?

A Yes sir.

Q Do you want to have his testimony considered with yours? A Yes sir.

Reference is made to Benjamin F. Love, H.C. 3932.

Q What are the names of your relatives who have appeared today, claiming through Thomas I. Love? A Fannie Love, May Love and Lula Johnson.

Q And there are others who appeared with Benjamin F. Love? A Yes sir.

Q Do you want the testimony of all these people claiming through the same common ancestors considered with yours in order that you may get the benefit of their testimony? A Yes sir.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything more you want to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium fair complexion, blue eyes, and light brown hair. She does not speak or understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes



Bettie McGinnell-----5.

he reported in full a ll proceedings had in the above entitled cause on the 5th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H. R. Rist*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 12th day of December, 1901.

*W. A. Mitchell Wood*

Notary Public.

Muskogee, Indian Territory, July 18, 1902.

Bettie McConnell,

Centerville, Arkansas.

Dear Madam:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Love, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry T. Love,	M.C.R. 3948
John H. Love, et al.,	" 3933
Will Love, et al.,	" 4296
Fannie Love,	" 4293
May Love,	" 4294
Bettie McConnell,	" 4295
Zeb Love,	" 4297
David A. Smith,	" 3945
Katie A. Patterson, et al.,	" 4519
Lulu T. Johnson, et al.,	" 4292
Pink Smith, et al.,	" 4296
Charles C. Brown, et al.,	" 3939
A. P. Brown, et al.,	" 3940
Juliett Pierce, et al.,	" 3943
Effie E. Perry, et al.,	" 3942
B. G. Brown,	" 3941
Fannie E. Coleman, et al.,	" 4063
Mabel Cobb, et al.,	" 4301
Hiram Coleman,	" 4302
Benjamin F. Love, et al.,	" 3932
Thomas J. Wilson, et al.,	" 3944
James H. Wilson, et al.,	" 3938

These applications were made under the provisions of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Love, John W. Love, L. wander Love, Will Love, Henry Love, Roy Love, Fannie Love, May Love, Bettie McConnell, Zeb Love, David A. Smith, Katie A. Patterson, Annie Patterson, James E. Patterson, Lulu T. Johnson, Leroy Johnson, Pink Smith, Erna Smith, Verna Smith, Lucy T. Smith, Clyde Smith, Sarah Smith, Charles C. Brown, Mattie P. Brown, Albert S. Brown, Charles T. Brown, A. P. Brown, Hattie Brown, Myrtle Brown, Ranie Brown, Louise Brown, Juliett Pierce, Robert A. Pierce, Sarah R. Pierce, Lucy M. Pierce, James T. Pierce, Louis G. Pierce, Joseph A. Pierce, Effie M. Perry, Bob Perry, Birdie Perry, B. C. Brown, Fannie T. Coleman, Katie Coleman, Preston Coleman, Annie Coleman, Arlie Coleman, Mabel Cobb, Guy Cobb, Ray Cobb, Hiram Coleman, Benjamin T. Love, Benjamin F. Love, Jr., Mathew L. Love, Thomas J. Wilson, Mamie Wilson, Jesse Wilson, Roy Wilson, James H. Wilson, Ed Wilson, Colatus Wilson, Burlah Wilson, Ethel Wilson and Mary Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

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action as may be taken by him.

Yours truly,

(SIGNED).

Registered,

Commissioner in Charge.

Muskogee, Indian Territory, October 11, 1902.

Bettie McConnall,

Centerville, Arkansas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Love, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 15, 1905.

Sim McConnell,

Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 3, 1905, by reference from the Secretary of the Interior. Therein you ask to be advised relative to introducing further proof in support of your wife's application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on October 1, 1902, the Secretary of the Interior approved the Commission's decision of July 18, 1902, refusing the application made by your wife, Bettie McConnell for identification as a Mississippi Choctaw, of which departmental action she was duly notified on October 11, 1902.

This case is considered closed and the Commission is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Chairman.

## For Identification as a Mississippi Choctaw.

Date

DEC 5 1901

Name *Bettie Mc Connell*Age *23* — Blood *1/16*Post Office, *Centerville, Ark.*Father, *Henry Love, d*Mother: *Jincy A. " d*

Claims through

*father*~~Wife~~  
Husband, *Mrs Mc Connell, W. C.**No claim for husband*~~Children:~~*Claims for self alone*

Stenographer

*H. C. Risterson*

Choctaw MCR 4296

Will Love

See MCR 3948

MCR 4296



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T., December 5, 1901.

4296.

In the matter of the application of Will Love for the identification of himself and two minor children, Henry and Roy Love, as Mississippi Choctaws.

---Applicant represented by John London, attorney---

Will Love, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Will Love.  
Q What is your age? A Thirty two.  
Q What is your post office address? A Richmond, Arkansas.  
Q In what county is that? A Little River county.  
Q Where were you born? A Little river county.  
Q You have always lived in that county? A Yes sir.  
Q What is your father's name? A Henry Love.  
Q Is he living? A Yes sir.  
Q Is your mother dead? A Yes sir.  
Q What was her name? A Jincy A. Love.  
Q You claim your Choctaw blood through your mother? A No sir, through my father.  
Q How much Choctaw blood do you claim? A I have been taught that it was one sixteenth.  
Q Has your father ever been recognized in any way as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not as I know of.  
Q Can you tell when or where your father and mother were married?  
A No, I could not, they was married in Little River county.

Mr London: We will furnish proof of the marriage.

The Commission: You would like time in which to furnish proof of the marriage of his father and mother?

Mr London: Yes sir.

You will be allowed time in which to do so.

- Q Are you married? A Yes sir.  
Q What is your wife's name? A Ella Love.  
Q Do you make any claim for her as a Choctaw Indian? A No sir.  
Q She is a white woman? A Yes sir.  
Q She is living? A Yes sir---I have two children.  
Q Give me the names of your children? A Henry Love?  
Q How old is Henry? A Eight years old.  
Q Next? A Roy Love, four years old.  
Q Is that all? A That is all.  
Q You claim for yourself and these two children? A Yes sir.  
Q Is Ella Love the mother of these children? A Yes sir.  
Q Was she ever married before she married you? A No sir.  
Q Were you ever married before you married her? A No sir.  
Q The proof of the marriage of yourself and your wife will be furnished at a later date by your attorney? A Yes sir.  
Q When and where were you married to your wife? A I was married in Little River county in 1891.  
Q What day of the month? A 5th day of March.

Will Love-----2.

Q By a minister and under license? A Yes sir.

Q Is your name or the name of either of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself or your oldest child to the Choctaw tribal authorities? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your oldest child, Henry, to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand the provisions of article fourteen of the treaty of 1830? A No sir, I don't know whether I do or not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830, and thereafter on the 24th day of February, 1831, the treaty was ratified. That treaty was made for the purpose of removing all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that nation to the Choctaw Nation, Indian Territory. Before it was signed, it became known that a great many Choctaw Indians would not agree to remove with the other Indians---they would have nothing to do with the treaty. They intended to stay in Mississippi and did stay there. In order to protect their interests some provision has to be made in the treaty, and article fourteen was put into it. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the United States shall be permitted to do so ~~and~~ by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article now? A I think I do.

Will Love-----3.

Q Do you know if any of your Choctaw ancestors through whom you claim your right to be identified as a Mississippi Choctaw ever complied or attempted to comply with the provisions of that article of that treaty? A No sir, not that I know of.

Q What is the name of your ancestor through whom you are claiming now the right of identification as a Mississippi Choctaw? A Thomas J. Love.

Q How much Choctaw blood did he have? A They said he had one half.

Q Who said that? A My father taught me that.

Q Your father, Henry Love? A Yes sir.

Q Was he born in Mississippi? A Yes sir.

Q When and where was your father Henry Love born? A I don't know exactly when he was born but in Mississippi, I think.

Q He claims through which parent? A His father.

Q His father's name was what? A John Love.

Q And he was born where? A I don't know sir.

Q Did he ever live in Mississippi? A I couldn't tell you that, I don't know, I guess he did though.

Q What makes you think he did? A I am mighty near satisfied he did, my father said he was born there.

Q And your grandfather, John Love, claimed through which parent?

A His father, Thomas L. Love.

Q Did Thomas J. Love live in Mississippi? A Yes sir.

Q Which of these ancestors of yours lived in Mississippi in 1830? A I don't know.

Q You don't know which one lived there at that time and had a family? A No sir.

Q Do you know how old Thomas J. Love would be if living now? A No sir.

Q Did he speak the Choctaw language? A No sir, not as I know of.

Q Did he have a Choctaw Indian name? A No sir.

Q Did he own any improvements in Mississippi or Alabama, or did any of your ancestors, in 1830? A I don't know.

Q Did any of them go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838? A My father says my great grandfather went.

Q Thomas J. Love? A Yes sir.

Q Did he remove under charge of the government or did he just go at his own expense? A I don't know sir.

Q Do you know when he went to the Indian Territory? A No sir.

Q Or when and where he died? A No sir.

Q Or whether he went back to Mississippi? A All I can say is what I heard my father say---he said he died in Indian Territory.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know sir.

Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not unless my great grandfather did.

Q Do you know that he did? A No sir, I do not.

Will Love-----4..

Q Did any of your Choctaw ancestors claim any rights, privileges or benefits of any kind under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir, not that I know anything about.

According to the provisions of article fourteen of the treaty of 1830, the Indians who stayed back in the old Choctaw Nation in the year 1831 refusing to go to the Choctaw Nation, Indian Territory, in order to take advantage of the provisions of article fourteen were required to go to the United States Indian Agent, whose name was Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi and take land there. A great many Indians did this who failed to have their names put upon Ward's Register. That register contains the names of only seventy one heads of families out of the hundreds and perhaps thousands of Indians who made application for registration before him under the provisions of the fourteenth article of the treaty of 1830. His failure to make a proper list of all claimants who came before him caused a great many Indians who had land in Mississippi to lose both the land and improvements for both were taken by the government and sold. This caused so many complaints among the Choctaw Indians that Congress in 1837 appointed a Commission which went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress for the same purpose, and this Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under that article of that treaty? A No sir.

Q Did you ever hear that any of your ancestors receive a certificate or scrip as it was called from the United States government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was given to Choctaw Indian claimants who proved their rights under article fourteen of the treaty of 1830 and who also further proved that their land had been taken from them by the government and sold.

Q You never heard that any of your Choctaw ancestors receive any for that reason? A No sir.

Q Have you any documentary evidence to file or witnesses to call in support of this case? A No sir, not now.

MR. LONDON: I move the Commission to give me time in which to introduce witnesses in person or take the depositions, and also file documentary evidence in support of this claim.

This motion is granted.

Q Who is Benjamin F. Love? A My uncle.

Q Do you want to have his testimony considered with yours in order that you may get the benefit of what he has testified to? A Yes sir.

Will Love-----8.

The testimony of Benjamin F. Love, N.C.R. 3932, is here referred to by applicant to be considered as part of his testimony.

Q Give the names of some of your relatives who have appeared here today? A Nettie McConnell, May Love, Fannie Love, and Lula Johnson.

Q Do you also want their testimony to be considered with yours?

A Yes sir.

Q Do you speak or understand the Cheetaw language? A No sir.

Q Is there anything more you would like to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Medium dark complexion, blue eyes, brown hair. He has no knowledge of the Cheetaw language, and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 5th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory this 12th day of December, 1901.

*Charles M. Hall*

Notary Public.



M.C.R. 4296

Muskogee, Indian Territory, July 18, 1902.

Will Love,

Richmond, Arkansas.

Dear Sir:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Love, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry T. Love,	M.C.R. 3948
John H. Love, et al.,	" 3933
Will Love, et al.,	" 4296
Fannie Love,	" 4293
May Love,	" 4294
Bettie McConnell,	" 4295
Zeb Love,	" 4297
David A. Smith,	" 3945
Katie A. Patterson, et al.,	" 4519
Lulu T. Johnson, et al.,	" 4292
Pink Smith, et al.,	" 4298
Charles C. Brown, et al.,	" 3939
A. P. Brown, et al.,	" 3940
Juliett Pierce, et al.,	" 3943
Effie E. Perry, et al.,	" 3942
B. G. Brown,	" 3941
Fannie E. Coleman, et al.,	" 4063
Mabel Cobb, et al.,	" 4301
Hiram Coleman,	" 4302
Benjamin F. Love, et al.,	" 3932
Thomas J. Wilson, et al.,	" 3944
James H. Wilson, et al.,	" 3938

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Love, John H. Love, Lawender Love, Will Love, Henry Love, Roy Love, Fannie Love, May Love, Bettie McConnell, Zeb Love, David A. Smith, Katie A. Patterson, Annie Patterson, James E. Patterson, Lula T. Johnson, Leroy Johnson, Pink Smith, Mrs. Smith, Verna Smith, Lucy T. Smith, Clyde Smith, Sarah Smith, Charles C. Brown, Mattie P. Brown, Albert S. Brown, Charles T. Brown, A. P. Brown, Hattie Brown, Myrtle Brown, Ramie Brown, Louise Brown, Juliette Pierce, Robert A. Pierce, Sarah E. Pierce, Lucy M. Pierce, James T. Pierce, Louis G. Pierce, Joseph A. Pierce, Effie E. Perry, Bob Perry, Birdie Perry, B. C. Brown, Fannie E. Coleman, Katie Coleman, Preston Coleman, Annie Coleman, Arlie Coleman, Mabel Cobb, Guy Cobb, Ray Cobb, Hiram Coleman, Benjamin F. Love, Benjamin F. Love, Jr., Mathew L. Love, Thomas J. Wilson, Mamie Wilson, Jesse Wilson, Roy Wilson, James H. Wilson, Ed Wilson, Colatus Wilson, Burlah Wilson, Ethel Wilson and Mary Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

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action as may be taken by him.

Yours truly,

(SIGNED).

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, October 11, 1902.

Will Love,  
Richmond, Arkansas.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Love, et al., of which decision you were advised by registered mail on the 10th day of July, 1902.

Respectfully,

(SIGNED)

Commissioner in Charge.

## For Identification as a Mississippi Choctaw.

Date DEC 5 1901

Name Will LoveAge 32 Blood  $\frac{1}{16}$ Post Office, Richmond, Ark.Father: Henry Love, dMother: Jinney A. " dWife: Claims through fatherElla Love, w. l.No claim for wife.

## Children:

Henry Love — 8.Roy " — 4.Claim for self and childrenStenographer A.C. Rosten



Choctaw MCR 4297

Zeb Love

See MCR 3948

MCR 4297

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. December 5, 1901.

4297.

In the matter of the application of Zeb Love for identification as a Mississippi Choctaw.

---Applicant represented by John London, attorney---

Zeb Love, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Zeb Love.  
Q What is your age? A Twenty one.  
Q Are you married? A No sir.  
Q What is your post office address? A Richmond, Arkansas.  
Q How long have you lived at Richmond? A About three years.  
Q Where were you born? A Little River county.  
Q You have always lived in that county? A Yes sir.  
Q What is your father's name? A Henry Love.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Jincy A. Love.  
Q Is she dead? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A About one sixteenth.  
Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.  
Q Can you tell when and where your father and mother were married? A No sir.  
Q Do you think you can produce the evidence of their marriage if given time? A Yes sir.

MR. LONDON: If given time by the Commission, at a later date I will produce the marriage license of Henry Love or proof to the effect that he was legally married to Jincy A Love, the mother of this applicant.

Reasonable time will be allowed for that purpose.

- Q You are not married? A No sir.  
Q You claim just for yourself? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Zeb Love-----2.

Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article as read and explained here in your presence? A No sir, I don't believe I do.

Article fourteen of the treaty of 1830 was put into that treaty for the especial benefit of those Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified on the 24th day of February 1831. That treaty was made for the purpose of the removal of all of the Choctaw Indians who lived in the old Choctaw Nation from that nation to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became known that a great number of Choctaw Indians would refuse to become bound by the provisions of the treaty of 1830 and would refuse to leave the old Choctaw Nation, and therefore in order to protect their interests this article, called article fourteen, was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the United States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied with the provisions of that article of that treaty or not? A I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Thomas J. Love.

Q What relation to you? A My great uncle, not my great grandfather.

Q You don't know very much about him? A No sir.

Q You never heard him discussed very much until lately did you?

A No sir.

Q Who told you you had a great grandfather named Thomas J. Love?

A Father.

Q When did he tell you that? A A long time ago.

Q How did you get him mixed up with your great uncle? A I don't know, just got it mixed up.

Q Have you got a great uncle? A No.

Q How much Choctaw blood did Thomas J. Love have? A I think he was about one half.

Zeb Love-----3.

- Q What makes you think that? A That is what I have been taught.
- Q What taught you that? A My father.
- Q How old is your father now? A Sixty five.
- Q Where was he born? A I don't know sir.
- Q Which of your Choctaw ancestors, Henry Love or his father or Thomas J. Love, lived in Mississippi or Alabama in 1830 and had a family there at that time? A I don't know.
- Q How old would Thomas J. Love your great grandfather be if living now? A I don't know.
- Q Do you know if he ever lived in Mississippi? A No sir.
- Q Do you know if his son John ever lived in Mississippi? A No sir.
- Q Or his grandson, Henry, your father, ever lived in Mississippi? A No sir, I don't know.
- Q Do you know whether any of your Choctaw ancestors ever owned any improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know.
- Q Did any of your ancestors own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors claim any benefits, rights or privileges under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

According to the provisions of article fourteen of the treaty of 1830, all the Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified, in order to get the benefit of the provisions of that article of that treaty were obliged to go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States; in other words, they were obliged to register their intention within six months from the time the treaty was ratified, which would be six months from the 24th day of February, 1831. A great many Indians did this who failed to have their names placed upon the list made by Colonel Ward, who was the United States Indian Agent at that time. He made out a list called Ward's Register, which contained the names of only seventy one heads of families. Hundreds and perhaps thousands of names did not appear upon any list made by him. This caused many Indians who had land in Mississippi upon which they had improvements to have their land and improvements taken from them by the government and sold, because their names were not on the list made by Colonel Ward. So many complaints were made because of this action of the government that in 1837, a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed for the same purpose, and that Commission heard claimants under article fourteen of that treaty.

Zeb Love-----4.

Q Did any of your ancestors appear before either of these Commissions claiming benefits under article fourteen? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip or a certificate from the United States government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, and which was given to them because they had proved their claims under article fourteen, and also had proved that they had land in Mississippi which the government had taken from them?

A No sir.

Q Have you any evidence of any kind or have you witnesses that you desire to call before the Commission now?

MR LONDON: Yes, we would like to have time to introduce such witnesses or take deposition.

Reasonable time will be allowed this applicant on suggestion of his counsel in which to present testimony of witnesses who will appear in person before the Commission and also for the taking of depositions in support of this application.

Q Do you understand or speak the Choctaw language? A No sir.

Q Have you any relatives who have been before the Commission whose testimony you desire to have considered with yours? A Benjamin F. Love.

Q What relation is he to you? A Great uncle.

Q And others who appeared at the same time with him? A Yes sir, but I don't know their names.

Q What are the names of some of your relatives who have appeared today? A May Love, Fannie Love, Bettie McConnell, my sisters, Will Love, my brother, and Lula Johnson, cousin.

Q They all claim through Thomas J. Love? A Yes sir.

Q Do you want to have their testimony taken in consideration with yours when yours is examined? A Yes sir.

Special reference is made to Benjamin F. Love, H.C.R. 3932.

This applicant has the appearance and physical characteristics of being descended from white parentage. Light complexion, blue eyes, brown hair. He has no knowledge of the Choctaw language, and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 5th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Muskegee, Indian Territory, this 12th day of December, 1901.

*H. C. Risteen*  
*Notary Public.*



M.C.R. 4297

Muskegee, Indian Territory, July 18, 1902.

Zeb Love,

Richmond, Arkansas.

Dear Sir:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Love, et al., embracing the following applications for identification as Mississippi Cheateaws:

Henry T. Love,	M.C.R. 3948
John M. Love, et al.,	" 3938
Will Love, et al.,	" 4296
Fannie Love,	" 4293
May Love,	" 4294
Bettie McCumell,	" 4295
Zeb Love,	" 4297
David A. Smith,	" 3945
Katie A. Patterson, et al.,	" 4519
Lulu T. Johnson, et al.,	" 4292
Pink Smith, et al.,	" 4298
Charles C. Brown, et al.,	" 3939
A. P. Brown, et al.,	" 3940
Juliett Pierce, et al.,	" 3943
Effie B. Perry, et al.,	" 3942
B. G. Brown,	" 3941
Fannie E. Coleman, et al.,	" 4063
Mabel Cobb, et al.,	" 4301
Hiram Coleman,	" 4302
Benjamin F. Love, et al.,	" 3932
Thomas J. Wilson, et al.,	" 3944
James H. Wilson, et al.,	" 3933

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Love, John M. Love, Lewander Love, Will Love, Henry Love, Roy Love, Fannie Love, May Love, Bettie McConnell, Leb Love, David A. Smith, Katie A. Patterson, Annie Patterson, James E. Patterson, Lulu T. Johnson, Leroy Johnson, Pink Smith, Erna Smith, Verna Smith, Lucy T. Smith, Clyde Smith, Sarah Smith, Charles C. Brown, Mattie P. Brown, Albert S. Brown, Charles T. Brown, A. P. Brown, Mattie Brown, Myrtle Brown, Ranie Brown, Louise Brown, Juliette Pierce, Robert A. Pierce, Sarah E. Pierce, Lucy M. Pierce, James T. Pierce, Louis G. Pierce, Joseph A. Pierce, Effie E. Perry, Bob Perry, Birdie Perry, H. G. Brown, Fannie E. Coleman, Katie Coleman, Preston Coleman, Annie Coleman, Arlie Coleman, Mabel Cobb, Guy Cobb, Ray Cobb, Hiram Coleman, Benjamin F. Love, Benjamin F. Love, Jr., Mathew L. Love, Thomas J. Wilson, Mamie Wilson, Jesse Wilson, Roy Wilson, James H. Wilson, Ed Wilson, Colatus Wilson, Burlan Wilson, Ethel Wilson and Mary Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

~~22 received~~

action as may be taken by him.

Yours truly,

(SIGN

Registered.

*I. B. Maclean*

Commissioner in Charge.

COPY.

M.C.R. 4297 .

Muskogee, Indian Territory, October 11, 1902.

Zeb Love,

Richmond, Arkansas.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Love, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

Commissioner in Charge.

## For Identification as a Mississippi Choctaw.

Date

DEC 5 1901

Name

G. E. Love,

Age

21

Blood

1/16

Post Office,

Richmond, Ark.

Father:

Henry Love, b.

Mother:

Jincy A. " d.

Claims through

father

Children:

Claims for self  
alone.

H. C. Risteen

Choctaw MCR 4298

Pink Smith

See MCR 3948

MCR 4298

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 5, 1901.

#4298.

In the matter of the application of David B. Smith for the identification of his six minor children, Pink, Erna, Verna, Lucy T., Clyde and Sarah Smith, as Mississippi Choctaws.

Applicant represented by John London, Attorney.

David B. Smith, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A D. B. David B. Smith. They all give it D. B., I guess that ought to go the same way.
- Q Your name is David B. Smith? A Yes sir.
- Q What is your age? A My age is forty-nine now.
- Q What is your post office address? A Allsems.
- Q What? A Allsems.
- Q How do you spell that? A A-l-l-s-e-m-s.
- Q Two l's? A Yes, and two e's, then an n and another e. That's the correct way.
- Q Arkansas? A Yes sir.
- Q How long have you lived there? A I have been living out in that portion of the County now over eleven years. I have been in Little River County since '74.
- Q Are you now making application for your six minor children? A Yes sir.
- Q You are a white man are you? A Yes sir.
- Q You have no claim here before the Commission except that you appear for these children? A That's all, sir.
- Q Have these children lived in Little River County all their lives? A All born and raised right there, yes sir.
- Q In Arkansas? A Yes sir.
- Q Your blood is that of a white man? A Yes sir.
- Q You claim that you married a wife who had Choctaw blood do you? A Yes sir.
- Q And these children claim through her? A These are her children yes sir.
- Q What is your wife's name? A Sarah. Sarah Brown.
- Q Well, Sarah Smith, is it? A Sarah Smith. It was Sarah Brown.
- Q She is now dead is she? A Yes sir.



(2).

- Q Her father's name was what? A Brown.
- Q What? A Arden Brown.
- Q Was what? A Arden Brown.
- Q Arden? A yes sir.
- Q A-r-d-e-n? A Yes sir.
- Q Her mother's name was what? A Her mother's name was Lucy Brown, daughter of John Love.
- Q Was Arden Brown-----was he a white man? A Yes sir.
- Q Is he now dead? A no sir.
- Q He is living? A Yes sir.
- Q He is the grandfather of these children? A Yes sir.
- Q Is Lucy Brown dead? A Yes sir, that's their grandmother. She died last year-----yes, last January.
- Q How much Choctaw blood did she have? A Why, I think they claim about a sixteenth for her or an eighth, I really don't know about that. About an eighth, I believe.
- Q And you claim for these children their Choctaw blood through their mother, Sarah Brown, Sarah Smith? A Yes sir.
- Q What are the names of these children for whom you wish to make application? A Well, the oldest is a boy by the name of Pink.
- Q Pink? A Yes sir. He has no middle name. Just Pink Smith.
- Q Pink Smith. He's now about seventeen-----nearly eighteen.
- Q The next? A The next is Erna and Verna.
- Q What? A Erna and Verna, twins; girls.
- Q What is the first name? A Erna, E-r-n-a .
- Q E-r-n-a ? A Yes sir.
- Q Boy or girl? A It's a girl. V-e-r-n-a is the way you spell the other.
- Q And she's how old? A They are both the same age.
- Q Well, this one? A She's about thirteen. Thirteen past.
- Q Now give me the name of the other one? A Verna.
- Q V-e-r-n-a ? A Yes sir.
- Q Smith, is that a girl? A Yes sir.
- Q And she's thirteen? A She's twins. They both-----them's twins, it might be advisable to mention that.
- Q What is the name of the next child? A Well, the next one is names Lucy.
- Q Lucy? A yes sir, Lucy T.
- Q Lucy T.? A Yes, Lucy T., that's right.
- Q How old is Lucy? A She's eleven, going on twelve. Eleven past.
- Q She's eleven is she? A Yes sir.
- Q Give me the name of the next? A Then the next is Clyde.
- Q What? A Clyde.
- Q C-l-y-d-e ? A C-l-y-d-e , yes sir.
- Q Boy? A Yes sir.
- Q How old? A He's six years old.
- Q The next? A Sarah.
- Q S-a-r-a-h ? A Yes sir, named after it's mother.
- Q How old? A Same age. That's another pair of twins. Two pair in the family. Something you hardly ever hear of.
- Q Is that all? A That's all, yes sir.
- Q Your wife, Sarah was the mother of these children was she? A Yes sir.
- Q And you are the father? A Yes sir.
- Q When and where were you married to your wife, Sarah? A Right down there in Little River County, at the old homestead of her father, T. A. Brown.
- Q Do you remember the date of your marriage? A Yes sir.

(3).

- Q What? A Yes sir.
- Q What is it, please? A On the 1st of March, '76.
- Q Were you married by a minister under a license? A Yes sir. Not by a minister but I had to get a license.
- Q Justice of the Peace? A Justice of the peace.
- Q Have you your marriage license and certificate with you now and you wish to introduce it? A Why, I went to get it and the records was burned there in '81 and the Clerk said all the records as far back as '81 was burned. He told me if I would bring some witnesses down there he could fix me up a paper that would do me as well but he told me just to go ahead that they could arrange that afterwards.
- Q Reasonable time will be allowed you in which to furnish the proper evidence of your marriage with your wife, Sarah Brown. A I can produce the evidence, but the records is burned.
- Q Has your wife Sarah, the mother of these children, ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not as I know of sir.
- Q You yourself claim no Choctaw blood? A No sir.
- Q And you have had the charge and guardianship of these children have you ever since the death of your wife their mother, Sarah? A Yes sir.
- Q You now make application for their identification as their natural guardian do you? A Yes sir.
- Q Is their names-----are their names on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I knew of.
- Q Have they ever been recognized in any way as citizens by the Choctaw tribal authorities? A No sir, not that I knew of.
- Q Have they ever made application, or anyone for them for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No only where Mr. Brown, I suppose-----he said he give you their names.
- Q The answer is no, is it? A You might say no, yes sir.
- Q Have they or anyone for them ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States in the Indian Territory? A No sir.
- Q Do you now come before the Commission in behalf of these children in order that they may be identified as Mississippi Choctaws, claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you or do these children understand the provisions of that Article of that Treaty? A Why, no sir, they don't. They don't know anything about it.
- Q Do you understand it? A Only what I have heard you read it here.
- Q Do you want it read again and explained? A Why, I don't know as I could understand it any better. I have tried to listen to it two or three times. I have heard you read it several times.
- Q I understand you have heard it. I ask you now if you want to have it explained again? A I reckon it wouldn't hurt.
- Q The Treaty of Dancing Rabbit Creek, was entered into on the 27th day of September, 1830, between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi. At the time this Treaty was made the Choctaw Indians

(4).

occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the Treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi to a new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians. Before the Treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those who stayed back in the old Nation Article XIV was put into the Treaty, which reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be over ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article now? A I think I do, yes sir.
- Q Do you know if any of the Choctaw ancestors of these children complied or attempted to comply with any of the provisions of that Article of that Treaty? A Why, No, I don't know.
- Q Do you know if they complied with the provisions of that article of that Treaty? A Why, it's been my understanding that old man Thomas died back there.
- Q That isn't answering the question. You heard what the conditions were and you said you understood the provisions there. The question is did any of your ancestors comply with any of those provisions by going to the United States Indian Agent and making those declarations? A Well, I don't know about that. I am not posted very much with the old records only as I have been told by the former generations.
- Q What is the name of the ancestor through whom these children claim the right to be identified as Mississippi Choctaws? A What's that.
- Q What is the name of the ancestor of these children through whom you claim for them the right to be identified as Mississippi Choctaws. A Thomas J. Love.
- Q Thomas J. Love? A Yes sir.
- Q What relation was he to these children? A Why, he was -----Oh!

(5).

let me see-----it runs kind of this way; their mother was a brown, and was a daughter of Lucy who was a daughter of John Love and he was a son of Thomas J. Love.

Q That's the relationship, is it? A Yes sir.

Q How how much Choctaw blood did Thomas J. Love have? A Why, I have been told he was half Choctaw, I think.

Q Who told you so? A Why, that's what I have been told by the old heads of the families.

Q Can you name any of them? A By Ben Love and old man Arden Brown. The old heads of the family. I forget really whether they said he was a fullblood or a half, but he was a Choctaw all right; was one or the other.

Q Did he ever live in Mississippi or Alabama? A Yes sir, he was an old Mississippi Choctaw has been my understanding.

Q Did he live there in 1830? A I think the record shows that. I have seen the family record of the people but I don't know exactly.

Q Do the family records that you examined show that Thomas J. Love lived in Mississippi in 1830? A We will produce them later.

Q Are you sure that they show that Thomas J. Love lived in Mississippi in 1830 and had a family there? A I think so.

Q What was his son's name? A John Love.

Q John Love? A Yes sir.

Q And he had a daughter names Lucy? A Had a daughter named Lucy. Lucy was the mother of my wife.

Q Your wife Sarah? A Yes sir.

Q And the grandmother of these children? A Yes sir.

Q Was Lucy Love born in Mississippi? A yes sir, yes sir, she was born back in Mississippi.

Q Was John Love born there, her father? A Yes sir, I believe so.

Q Did Thomas J. Love, or John Love, his son, or his grand-daughter, Lucy, any of them have Indian names or speak the Choctaw language? A None that I know of sir.

Q How old would Thomas J. Love be if he were living now? A Well, I couldn't tell you that.

Q How old would John Love his son be if he were living now? A I couldn't tell you that.

Q How old would his granddaughter, Lucy be if she were living now? A Why, she's-----she would be right about sixty-three or four.

Q Sixty what? A She's somewhere near sixty-five. I don't know her exact age. Would be if she were living now.

Q Was she born in Mississippi? A Yes sir, that's been my understanding from the old heads of the family.

Q Did any of your Choctaw ancestors own any improvements on land---- I mean any of the Choctaw ancestors of these children own any improvements on land in Mississippi or Alabama in 1830? A I don't know how about that.

Q Did any of the Choctaw ancestors of these children go to the United States Indian Agent within six months from the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I do not know sir.

Q Did any of the Choctaw ancestors of these children go from that old Choctaw Nation to the Choctaw nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir how about that. I think though that they did.

Q Well, who did, if you know? A Why, I don't know. You might say I don't know anything about that more correct.

Q Did any of the Choctaw ancestors of these children claim or re-

(6).

ceive any land under Article XIV of the Treaty of 1830, or under any other article of that Treaty, in Mississippi or Alabama?

A None that I ever heard of sir.

Q Did any of the Choctaw ancestors of your children for whom you now make this claim, claim under any other treaty made between the United States Government and the Choctaw Indians, other than the Treaty of 1830? A Not that I know of.

Q The Indians who stayed in the old Choctaw Nation in Mississippi and Alabama refusing to go to the Territory under the Treaty of 1830, with the other Indians after it was ratified in 1831, were required, if they wanted to take advantage of the provisions and conditions of Article XIV of that Treaty, to register their names with Colonel Ward, the Indian Agent in Mississippi within six months from the ratification of that Treaty. They were required to state whether or not they intended to stay in Mississippi, take land there and become citizens of the United States. A great many did this whose names Colonel Ward failed to put upon his register known as Ward's Register. The result was that a great many Indians who held land in Mississippi and Alabama in that old Choctaw Nation had both their land and improvements taken from them and sold by the Government. This was done because their names did not appear upon Ward's list, through no fault of theirs but at the same time it was evidence that they had no right to hold land in Mississippi under Article XIV. This led to so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under Article XIV of the Treaty of Dancing Rabbit Creek. In 1842 Congress appointed another Commission for the same purpose and this Commission also heard claimants under Article XIV of that Treaty. Did any of your Choctaw ancestors-----I mean the Choctaw ancestors of these children, appear before either the Commission of 1837 or the Commission of 1842 claiming benefits under Article XIV of the Treaty of 1830? A Not as I know of. I don't know anything about that.

Q Did any of the Choctaw ancestors of these children receive any scrip or certificates from the Government of the United States which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, and which were given to them because they proved their claims under Article XIV and also proved that they had had land in Mississippi which the Government took from them? A Not that I know of.

Q Have you any evidence of any kind that you wish to present now before this Commission.

Here John London, Attorney for the applicant, asked leave to file written evidence in support of this application within the near future.

Reasonable time will be allowed this applicant in which to present proper evidence by personal appearance of witnesses or by depositions of he desires in support of the application he makes for his minor children.

Q Do you speak or understand the Choctaw language? A No sir.

(7).

- Q Are there any relatives of these children who have appeared before the Commission to be identified? A Yes sir, there's whole generations that's related to them. All the Loves and Browns.
- Q Benjamin F. Love? A Yes sir.
- Q M.C.R. 932, he claims through Thomas J. Love does he? A Yes sir.
- Q May Love? A Yes sir.
- Q Pete McConnell? A Yes sir.
- Q Will Love? A Yes sir.
- Q Zeb Love A Yes sir.
- Q Any others? A Well-----.
- Q Fannie Love? A Fannie Love, yes sir. And all the Brown boys and Miss Pierce, Juliet Pierce, and Miss Perry. They were sisters of my wife.
- Q All claim through Thomas J. Love? A Yes sir.
- Q Do you want to have the testimony of these relatives of these children considered with yours that all may get the benefit each of the testimony of the other? A Yes sir.
- Q The testimony that you give in behalf of these children will be taken into consideration with the testimony of their relatives claiming through the same common ancestor

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 5, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 23 day of January, 1902.

*Hal Belford*  
*Charles M. [Signature]*  
Notary Public.

Muskogee, Indian Territory, July 18, 1902.

Pink Smith,

Albion, Arkansas.

Dear Sir:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Love, et al., embracing the following applications for identification as Mississippi Cherokees:

Henry T. Love,	M.C.R. 3948
John M. Love, et al.,	" 3953
Will Love, et al.,	" 4296
Fannie Love,	" 4293
May Love,	" 4294
Bettie McConnell,	" 4295
Eob Love,	" 4297
David A. Smith,	" 3948
Katie A. Patterson, et al.,	" 4519
Lulu T. Johnson, et al.,	" 4292
Pink Smith, et al.,	" 4298
Charles C. Brown, et al.,	" 3959
A. P. Brown, et al.,	" 3940
Juliett Pierce, et al.,	" 3943
Effie E. Perry, et al.,	" 3942
B. G. Brown,	" 3941
Fannie E. Coleman, et al.,	" 4063
Mabel Cobb, et al.,	" 4301
Hiram Coleman,	" 4302
Benjamin F. Love, et al.,	" 3932
Thomas J. Wilson, et al.,	" 3944
James H. Wilson, et al.,	" 3938



These applications were made under the provisions of the act of Congress of June 23, 1893 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein, is insufficient to determine the identity of Henry T. Love, John H. Love, Leander Love, Will Love, Henry Love, Ray Love, Fannie Love, May Love, Bettie McConnell, Bob Love, David A. Smith, Katie A. Patterson, Annie Patterson, James E. Patterson, Lulu T. Johnson, Leroy Johnson, Pink Smith, Erna Smith, Verna Smith, Lucy T. Smith, Clyde Smith, Sarah Smith, Charles C. Brown, Mattie P. Brown, Albert S. Brown, Charles T. Brown, A. P. Brown, Mattie Brown, Myrtle Brown, Ranie Brown, Louise Brown, Juliett Pierce, Robert A. Pierce, Sarah E. Pierce, Lucy M. Pierce, James T. Pierce, Louis G. Pierce, Joseph A. Pierce, Effie E. Perry, Bob Perry, Birdie Perry, B. G. Brown, Fannie E. Coleman, Katie Coleman, Preston Coleman, Annie Coleman, Arlie Coleman, Mabel Cobb, Guy Cobb, Ray Cobb, Hiram Coleman, Benjamin F. Love, Benjamin F. Love, Jr., Mathew L. Love, Thomas J. Wilson, Mamie Wilson, Jesse Wilson, Roy Wilson, James H. Wilson, Ed Wilson, Gelatus Wilson, Burlah Wilson, Ethel Wilson and Mary Wilson as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action.

9

P 8 1111111111

action as may be taken by him.

Yours truly,

(SIGNED):

Respected,

J. D. Noble  
Commissioner in Charge

COPY.

M.C.R. 4293

Muskogee, Indian Territory, October 11, 1902.

Pink Smith,

Allesene, Arkansas.

Dear Sir:

You are hereby advised that on the 1st day of October, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Love, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

*T. E. Neenan*

Commissioner in Charge.

## For Identification as a Mississippi Choctaw.

Date DEC. 5, 1901

Name David B. Smith, WHITE,  
 claims for 6 minor children —  
 Age 49 Blood white

Post Office. Alceene, Ark.  
 of children

Father: David B. Smith, (d)

Mother: Sarah " " d  
 father Arden Brown, w. l. d  
 mother Lucy " (d)  
 Claims through

The children claim Choctaw blood through mother, Sarah Smith —

## Children:

David Smith,	17
Erna " (F)	13
Verna " (F)	13
Lucy T. "	11
Clayde " (M)	6
Sarah "	6

Claims for children only

Choctaw MCR 4299

Amanda Smith

See MCR 4183, 4184, 4300

MCR 4299

**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

---o---

In the matter of the application of Amanda Smith, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of-

Amanda Smith	M.C.R. 4299
Richard Portee, et al	" 4163
Albert Allen Jr., et al	" 4164
Ben Portee, et al	" 4300

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case  
of Amanda Smith, et al.

	(Page)
Original application of Amanda Smith before the Dawes Commission for identification as a Mississippi Choctaw .....	1
Original application of Richard Portee, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	8
Original application of Albert Allen Jr., et al., before the Dawes Commission for identification as Mississippi Choctaws .....	13
Original application of Ben Portee, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	21
Decision of the Commission denying the applications of Amanda Smith, et al., for identification as Mississippi Choctaws .....	27

-----o-----

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, December 5, 1901.

#4299.

In the matter of the application of Amanda Smith for  
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Amanda Smith, being first duly sworn, upon her oath  
testifies as follows:

Examination by the Commission.

- Q What is your name? A Mandy Smith.  
Q Amanda? A Yes sir.  
Q A-m-a-n-d-a? A I reckon so.  
Q What is your age? A Sixty-six.  
Q What is your post office address? A Hebron, Ark.  
Q How long have you lived there or near there? A Well, we have  
been near there twenty-----'47 ain't it, '47.  
Q You have lived there since '47? A Yes sir.  
Q And before that where did you live? A Perry County, Alabama.  
Q Were you born there? A Yes sir.  
Q Always lived there until you went to Hebron, Ark.? A Yes sir  
until we moved to Arkansas.  
Q What is your father's name? A Malashi Portee.  
Q P-e-r-t-ee? A Yes sir.  
Q Is he living? A No sir, he's dead.  
Q What is your mother's name? A 'Liza.  
Q E-l-i-z-a, is she living? A No sir, she's dead.  
Q Through which parent do you claim your Choctaw blood? A Yes  
sir, Choctaw.  
Q You claim through your father, or mother? A My father.  
Q How much Choctaw blood do you claim? A Looks like it ought to  
be third don't it, 'long in there somewhere.  
Q You say a third? A Ain't that the way of it?  
Q Was your father a slave before the War? A No sir, he never was  
before the War.  
Q Was your mother a slave before the War? A My mother was but my  
father never was a slave.  
Q Has your father ever been recognized as a Choctaw Indian or en-  
rolled as such by the Choctaw tribal authorities or the United  
States authorities in the Indian Territory? A I don't know sir.



(2).

He lived here twelve months with them.

Q You don't know about that then? A No sir, I can't tell you that much.

Q Can you tell me when your father and mother were married? A No sir, I can't go back that far to tell you anything at all about them.

Q That was away back in Slavery days, I guess, was it? A Yes sir.

Q You will be allowed reasonable time in which to try to prove the marriage of your father and mother if you wish. Are you married? A Yes sir.

Q Is your husband living?

Q What is his name? A Frank Smith.

Q Is he your first husband? A No sir, the first husband's dead.

Q This is your second? A Yes sir.

Q Frank Smith is living-is he? A Yes sir.

Q What is his blood? Is he a white man, red man or colored man? A He's a colored man.

Q You don't make claim for him then do you? A I don't know.

Q No claim for husband. A I don't know. I can't tell you anything about it. No sir, I can't make no claim for him.

Q You have no children under twenty-one years of age and unmarried have you? A No sir, I ain't got but one that's not married and he's over twenty-one.

Q You just claim for yourself then do you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, not as I know of, because Mr. Townslee promised to register our names here and we thought he had done it.

Q Didn't register? A Ain't been near here.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? Never did, did you? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation -----A No sir-----either by the Choctaw tribal authorities, the commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q This is the first application of any kind you have ever made is it? A Yes sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under Article XIV of the Treaty of 1830? A Yes sir.

Q Do you understand Article XIV of that Treaty? You don't understand it do you? A No sir, I can't understand it. I don't know I just might as well tell the truth about it.

Q That's right, if you don't understand it now just say so? A Well I just might as well tell the truth about this, I don't understand it.

Q Do you know what a treaty is? A Treaty? Yes sir, I reckon I do.

Q What is a Treaty? A I don't know sir, without it's just takin' in the Fair.

Q No, that's not it. A Agreement then ain't it.

Q Yes, it's an agreement and it's made between Nations? A Yes sir.

Q Instead of between people. Do you know what an article in a Treaty is? A I don't know. No, I don't know. I am going to be plain with you for I don't know.

(3).

- Q Well, an article in a treaty is a part of it, a subdivision of it one of the sections of it, a chapter of it, you understand what a chapter in the Bible is don't you? A Yes sir.
- Q You understand what a verse in a chapter is? A Yes sir.
- Q Well, an article in a Treaty is something like a verse in a chapter of the Bible, I, II, III, IV up. The Treaty of 1830 was made between the United States Government and the Choctaw Indians who lived in Mississippi and Alabama. It was made on the 27th day of September, 1830, and it was made for the purpose of getting all the Choctaw Indians who lived in the old Choctaw Nation, and lived in Mississippi and Alabama, to leave that old country there and go to the Choctaw Nation, Indian Territory. Before the Treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory. They wanted to stay back there, wouldn't leave, and something had to be done for them in that Treaty or that agreement. Something had to be put in there to protect them and so Article XIV was put in---remember, I tell you an article in a Treaty is something like a verse in the chapter of the Bible---Now Article XIV reads as follows. This is the way that article reads. I don't know whether you will understand it. I will read it slow:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q How do you understand that? A yes sir.
- Q Do you know whether any of your ancestors complied with the provisions of that article of that Treaty? A No sir.
- Q Do you know what I mean by ancestors? A No sir.
- Q Well, you have them, you have had them. I mean-----the word ancestor means, father, or mother, grandfather or grandmother, great-grandfather or great-grandmother, and so on. That's what the word ancestor means? A Yes sir.
- Q Now who do you claim your right of identification through. Who is the man you are claiming through now. Your grandfather, grandmother? A No sir, for the ain't nary one of them living.

(4).

- Q No, they ain't living. A Well, I am claiming-----holding to my daddy.
- Q Through your daddy. Is he living? A No sir, he ain't living.
- Q Well, what was his name? A Malachi Portee.
- Q What's that? A Malachi Portee.
- Q How old would he be if he was living now? A I reckon he'd be, -----I can't tell you exactly-----he's be I reckon----I don't reckon he'd be quite a hundred.
- Q Well, you think he's be pretty near a hundred? A Yes sir.
- Q Where was he born? A In South Carolina.
- Q Do you know what place in South Carolina? A Not far from Charleston.
- Q Charleston? A Yes sir.
- Q How much Cheetaw blood did he have? A His daddy was a fullblood Cheetaw.
- Q What was his daddy's name? A I never heard him call his daddy any more than he said he was a Cheetaw Indian.
- Q Never heard him call his name? A No sir, I never did hear him call his name. He always called him a Cheetaw Indian, that's all I can tell about it. I can't tell any more than that about his daddy.
- Q Did Malachi Portee ever live in Mississippi? A No sir, he never lived here.
- Q Did he live in Alabama? A Yes sir, he lived there till they come out here, and he come out here with us.
- Q Where did he live in Alabama? A He lived in Perry County?
- Q Perry County? A Yes sir.
- Q Did he live in Alabama in 1830 and did he have a family there at that time, 1830, seventy-one years ago? A Yes, yes, I reckon, yes sir, he had a family there then.
- Q You think he had? A Yes sir.
- Q Were you born in Mississippi? A I was born in Perry County, Alabama.
- Q And you are how old now? A Be sixty-six this coming October. The next October coming I will be sixty-~~sk~~.
- Q Did you have any older brother's and sisters? A Yes sir.
- Q How much older than you? A There was a years difference in betwixt the children.
- Q Did you have any brother's or sisters five or six years older than you? A No sir, not five or six years older than I was, no sir, I didn't have none like that.
- Q Well, as a matter of fact, do you know that your father and mother were living in Alabama in Perry County five or six years before you were born? A Yes sir, I knew that.
- Q You knew that? A Yes sir, I was a good big girl when they come to this country from Alabama.
- Q Yes, you come straight to this country from Alabama? A Yes.
- Q What time did your father and you and other members of your family come from Alabama to the Indian Territory? Did you come to the Indian Territory? A No sir, we never come here. We went lower down. My papa went lower down and he never did come here but the one year.
- Q And then went where? A Went back to Clark County, Arkansas.
- Q You went to Arkansas? A Yes sir, went back where his children were.
- Q So he come out here but he took up his residence in Arkansas? A Yes sir.
- Q Did any of your Cheetaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir, none of them as I

(5).

knows of.

- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States. A No sir, not none of them here.
- Q Did any of your Choctaw ancestors to your knowledge own any land or claim any in Mississippi or in Alabama in the old Choctaw Nation under Article XIV of the Treaty of 1830? A I don't know sir.
- Q You don't? A No sir.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under any other article of the Treaty of 1830 than Article XIV or under the Supplement of that Treaty? A Not as I know of.
- Q Did any of your Choctaw ancestors claim any rights under any treaties made between the United States Government and the Choctaw Indians other than the Treaty of 1830? A Well, none of them did n't where I was living. That's all I can say. I can't tell nothing about only just what I was living with. I well know none of them did.
- Q Have you any white blood at all? A My daddy's mother was a white woman.
- Q And your daddy's father was a colored man? A Choctaw Indian.
- Q Choctaw Indian? A Yes sir.
- Q A Choctaw Indian married a white woman is that it? A I don't know but he said a Choctaw was his daddy, and he had a plat of his mother's hair was that long. He said it was his mother's hair.
- Q I am trying to get at whether you had any white blood? A That's all I know about it.
- Q Did you ever hear you had white blood? A Sir?
- Q Did you ever hear that you had any white blood? A No more than just what come from my daddy's side.
- Q I thought your daddy was a Choctaw? A Well, he was but it was his mother.
- Q Oh!, your daddy's mother was white and your father was an Indian? A Yes sir, that's the way of it.
- Q So that you claim to have white, Indian and Negro blood do you? A Must be.
- Q According to the provisions of Article XIV of the Treaty of Dancing Rabbit Creek, the Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama were required in order to take advantage of the provisions of Article XIV of that Treaty, to go to the United States Indian Agent and make declarations of their intentions to remain in Mississippi, take land there, and become citizens of the United States. In other words they were obliged to register before the Agent under Article XIV of the treaty of 1830. A great many Indians did this whose names were not put upon Ward's Register or list. His neglect to do this caused a great many Indians in Mississippi to lose the land which they had taken in that state upon which they had improvements. They were taken from those Indians and sold together with the improvements by the Government. This caused so many complaints among the Choctaw Indians that Congress appointed a Commission in 1837 by an act of Congress approved March 3rd of that year, which Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. In 1842 Congress appointed another Commission

(6).

under an act approved August 23 of that year, and this Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. Did any of your Choctaw ancestors go before either of those two Commissions and claim benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A No sir.

Q The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under Article XIV of the Treaty of 1830, if it also further appeared that he had had land in Mississippi which had been taken from him by the Government and sold, that he should be entitled to select land either in Alabama, Mississippi, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be issued to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government of the United States as Choctaw Indians? A No sir.

Q Is Richard Portee your son? A I am his aunt. He's my brother's son.

Q He appeared before the Commission on November 26, 1900, to be identified as a Mississippi Choctaw. Have any other relatives of yours come here except him? A Yes, Al Allen was here.

Q Al Allen was here? A Yes sir.

Q What is his name? A Albert Allen.

Q And what relation is he to you? A I am his aunt.

Q His aunt? A Yes.

Q And you want to have your case considered with theirs when your case is considered by the Commission so that you can get the benefit of what they have testified to? A We want it all to come in together, just all the family to come in together.

Q Do you speak the Choctaw language? A No sir.

Q Or do you understand it? A I don't understand it.

Q Have you any witnesses you want to call or any affidavits you want to give me now, in support of this claim? A There's none here that we can get that knows anything about it. We would have to get our witnesses from where we come from. We can get witnesses there and they can prove it all up a long ways straighter than we can set here and talk it.

Q Do you want time for that? A Yes, I'd like for you to give us a little time if you can do it.

A reasonable time will be allowed this applicant in which to present documentary evidence in support of this claim, or any other proper evidence.

A My daddy could talk it.

Q Have you heard him talk it? A Yes sir, my daddy could talk it. He could talk their language, but I never could understand him.

Q Do you know any Indian words? A No sir, I don't.

Q How do you know he was talking Choctaw? A Why, I have heard the Indians talk. I have seen them. I seen them when they come to this country.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry, she claims Negro mixed with Indian and White. The Commission is to ascertain whether the three bloods are in evidence in her case or whether she is

(7).

from white and Negro parentage. She claims Choctaw blood. The Negro characteristics are marked, but her hair, while black is long and wavy and she has few of the marked characteristics of the Negro. She may have Choctaw blood; she certainly has other blood mixed in with the Indian blood, either white or Indian, and perhaps both. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----;

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 23 day of January, 1902.

*Hal Belford*

*Clara Mitchell Wood*  
Notary Public.

217.71  
QRB  
C.W.W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Amanda Smith, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of-

Amanda Smith	M.C.N. 4299
Richard Portee, et al	" 4183
Albert Allen Jr., et al	" 4184
Ben Portee, et al.,	" 4200

--: D E C I S I O N :--

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Amanda Smith for herself; by Richard Portee for himself and his  
eight minor children, Jeff, Nathan, Harvey, Billy, Oscar, Walter,  
Alabama and Daisy Portee; by Albert Allen Jr., for himself and his  
six minor children, Ruther, Missouri, Moses, Flossie, Johnson and  
Jessie Allen, and by Ben Portee for himself and his three minor  
children, Bennie Lee, Lee Grant and Grminta Portee, under the fol-  
lowing provision of the act of Congress approved June 25, 1895 (30  
Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw lands



under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Malachi Portee, who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

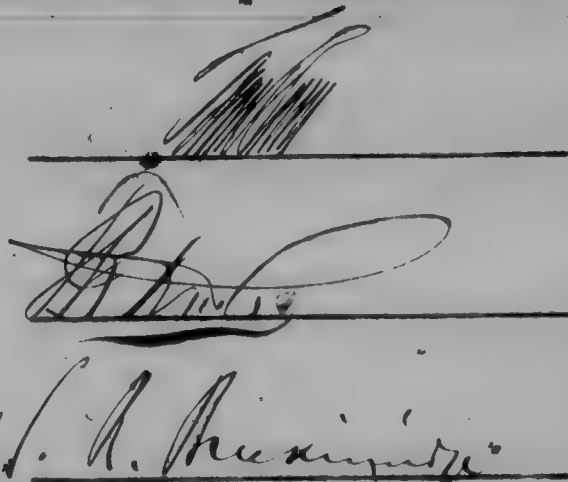
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Malachi Portee, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the

(3)

provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Smith, Richard Portee, Jeff Portee, Nathan Portee, Harvey Portee, Billy Portee, Oscar Portee, Walter Portee, Alabama Portee, Daisy Portee, Albert Allen Jr., Luther Allen, Missouri Allen, Moses Allen, Flossie Allen, Johnson Allen, Jessie Allen, Ben Portee, Bennie Lee Portee, Lee Grant Portee and Grinnita Portee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Commissioners.

Muskogee, Indian Territory,

JUL 14 1902

COPY.

M C R 4299.

Muskogee, Indian Territory, July 14, 1902.

Mansfield, McMurray & Gernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Smith,	M C R 4299
Richard Portee, et al.,	" 4183
Albert Allen Jr., et al.,	" 4184
Ben Portee, et al.,	" 4300

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Smith, Richard Portee, Jeff Portee, Nathan Portee,

Harvey Portee, Billy Portee, Oscar Portee, Walter Portee, Alabama Portee, Daisy Portee, Albert Allen Jr., Ruther Allen, Missouri Allen, Moses Allen, Flossie Allen, Johnson Allen, Jessie Allen, Ben Portee, Bessie Lee Portee, Lee Grant Portee and Orminta Portee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,  
CIGNEE

Acting Chairman.

COPY.

M. C. R. 4299

Muskogee, Indian Territory, July 14, 1902.

Amanda Smith,

Hebron, Arkansas.

Dear Madam:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Smith,	M.C.R. 4299
Richard Portee, et al.,	M.C.R. 4183
Albert Allen Jr., et al.,	M.C.R. 4184
Ben Portee, et al.,	M.C.R. 4300

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Smith, Richard Portee, Jeff Portee, Nathan Portee, Harvey Portee, Billy Portee, Oscar Portee, Walter Portee, Alabama Portee, Daisy Portee, Albert Allen Jr., Ruther Allen,

Missouri Allen, Moses Allen, Flossie Allen, Johnson Allen, Jessie Allen, Ben Portee, Bennie Lee Portee, Lee Grant Portee and Orminta Portee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Samuel D. Doby.*

Acting Chairman.

Registered.

COPY.

M C R 4299

Muskogee, Indian Territory, July 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Amanda Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 14, 1908.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Amanda Smith,	M C R 4299
Richard Portee, et al.,	M C R 4183
Albert Allen Jr., et al	M C R 4184
Ben Portee, et al.,	M C R 4300

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*James H. Bailey*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
I inclose.



C O P Y.

Land  
42349-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS

Washington, Aug. 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated July 14, 1902, forwarding for the Department's consideration the record relative to the consolidated case of Amanda Smith, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article 14 of the treaty of 1830.

Amanda Smith applies for the identification of herself; Richard Portee applies for the identification of himself and his eight minor children, Jeff, Nathan, Harvey, Billy, Oscar, Walter, Alabama and Delmy Portee; Albert Allen Jr., applies for the identification of himself and his six minor children, Ruth, Missouri, Moses, Flossie, Johnson and Jessie Allen; and Ben Portee applies for the identification of himself and his three minor children, Bonnie Lee, Lee Grant and Orminta Portee.

July 14, 1902, the Commission held that the parties above named were not entitled to identification as Mississippi Choctaws.

The parties to this consolidated case attempt to trace descent from Malachi Portee.

The records of this office do not show that anyone by the name of Malachi Portee complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or that he applied to the commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of his rights as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

G.A.W. (S)

D.C. 13402-1902.

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DEPARTMENT OF THE INTERIOR.

ITD. 4812-1902.  
L.R.S.

Washington. August 14, 1902.

~~Commission to the Five Civilized Tribes,~~  
Muskogee, I. T.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws, of Amanda Smith, of Richard Portee and his eight minor children, Jeff, Nathan, Harvey, Billy, Oscar, Walter, Alabama and Daisy Portee; of Albert Allen Jr., and his six minor children, Rather, Missouri, Moses, Flossie, Johnson and Jessie Allen; and of Ben Portee and his three minor children, Bennie Lee, Lee Grant and Orminta Portee. The record, including your decision of July 14, 1902, denying the applications, was transmitted with your letter of that date.

The applicants attempt to trace their Choctaw descent from one Malachi Portee, alleged to have been a half-blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that Malachi Portee or a less remote ancestor of the applicants ever complied or attempted to comply with the provisions of article XIV of the treaty of September 27, 1830,

or with either of the acts of March 3, 1837 (5 Stat., 189),  
and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded  
the papers August 6, 1902, and recommended that your decision  
be approved. A copy of his letter is enclosed.

After a careful review of the whole case the Depart-  
ment affirms your decision.

Respectfully,

THOS. RYAN.

Acting Secretary.  
DeL.

1 inclosure.

COPY.

M.C.R. 4299

Muskogee, Indian Territory, August 22, 1902.

Hansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Smith, et al., of which decision you were advised by mail on the 14th day of July, 1902.

Yours truly,

James D. Smith,  
Acting Chairman.

Muskogee, Indian Territory, August 22, 1902.

Amanda Smith,

Hebron, Arkansas.

Dear Madam:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as *Muscogee* *Indians* of the several persons included in the consolidated case of Amanda Smith, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Samuel D. Dink.

Acting Chairman.

# CHOCTAW NATION.

CH  
(N)

TRIBAL ENROLLMENT				TRIBAL ENROLLMENT OF PARENT			
BLOOD	YEAR	COUNTY	No.	NAME OF FATHER	YEAR	COUNTY	NAME OF MOTHER

*Consolidated Case*

*of*  
*Amanda Smith*

REFER TO M. C. R.

*4291*



mer  
4299

Amanda Porter 66  $\frac{1}{3}$

(choc. negro)  
married  
Frank Smith - negro

mer  
4183

William Porter -  
- dead

Wife  
Matilda Porter - dead

Richard Porter 46/-  
wife  
Rosa Porter - (negro)

mer  
4183

Jeff Porter 20  
" Nathan " 17  
Harvey " 14  
Billy " 11  
Oscar " 9  
Walter " 7  
Alabama " 5  
Daisy " 3

Malachi Porter (42)  
- dead  
Wife

Eliza Porter - slave  
- dead

mer  
4184

Mollie A. Porter (34 w.)  
(slave) (dead)  
married  
Albert Allen (slave)

Albert Allen Jr. 37  $\frac{1}{8}$   
wife  
Ora Allen (negro)

mer  
4184

Ruthie Allen 15  
Missouri " 13  
Moses " 11  
Flossie " 9  
Johnson " 5  
Jessie " 3 m.

Malachi Portee (1/2)  
- dead -  
Wife  
Eliza Portee (slave)  
- dead -

Howel Portee 71 1/4  
(slave) (dead)  
wife  
Mellie Portee (slave)  
(dead)

MR  
4300  
Ben Portee 31 1/8  
wife  
Lucinda Portee  
(negro)

MR  
4300  
Bennie L. Portee 6  
Lee Grant Portee 3  
Ormintha Portee 1

For Identification as a Mississippi Choctaw.

Date

DEC. 5 1901

Name Amanda Smith,

Age 66 — Blood  $\frac{1}{3}$ 

Post Office, Hebron, Ark.

Father: Malachi Portee, d

Mother: Eliza (slave) d

Claims through father, —  
husbandFrank Smith, l. negro.  
(2<sup>nd</sup> husband)  
No claim for husband.

Children:

Claims for self  
alone

Stenographer

Neal Bedford

Choctaw MCR 4300

Ben Portee

See MCR 4299

MCR 4300

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, December 6, 1901.

#4300.

In the matter of the application of Ben Portee for the identification of himself and his three minor children, Bennie L., Lee G., and Orminta Portee, as Mississippi Choctaws.

Applicant not represented by Attorney.

Ben Portee, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Ben Portee.  
Q P-o-r-t-e-e? A Yes sir.  
Q What is your age? A Thirty-one.  
Q What is your post office address? A Hebron, Arkansas.  
Q In what County is that? A County of Clark.  
Q What? A Clark County.  
Q How long have you lived there? A I have been living there all my days.  
Q Born there? A Yes sir.  
Q What is your father's name? A Howel Portee.  
Q What? A Howel Portee.  
Q Howard? A Yes sir, Howell, H-o-w-e-l Portee.  
Q Howel? A Yes sir.  
Q Is he living? A No sir, he's dead.  
Q What is your mother's name? A Nellie.  
Q H-e-l-l-i-e? A Yes sir.  
Q Is she living? A No sir, she's dead.  
Q You claim through which parent, father or mother? A I claim through my grandfather.  
Q Well, your father or mother? A Father, yes sir.  
Q How much Choctaw blood do you claim to have? A One-eighth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities? A No sir.  
Q What? A No sir.  
Q When and where were your father and mother married? A I can't know. I can't-----you say where were they married?  
Q Yes, where were your father and mother married? Where? A They

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married in Clark County.

- Q Arkansas? A Arkansas, yes sir.
- Q Do you remember the date? A No sir, I don't remember the date.
- Q Do you think you could produce the evidence of their marriage if given time, some proof of it? A My aunt there can tell you may be.
- Q Reasonable time will be allowed you in which to furnish the proof of their marriage. Are you married? A Yes sir.
- Q What is your wife's name? A Lucinda
- Q Lucinda? A Yes sir, Lucinda Portee.
- Q L-u-c-i-n-d-a . What is her blood? Is she a Negro? A Negro, yes sir.
- Q Living? A Yes sir.
- Q You claim that your father had one-fourth Choctaw blood? A Yes sir.
- Q What was his other blood? Was he a colored man? A Yes sir, he was colored.
- Q And your mother, was she a colored woman? A Yes sir.
- Q Were either of your parents slaves before the War? A Yes sir.
- Q Which? Both of them? A Both of them, yes sir.
- Q Where were they slaves? In Arkansas? A Yes sir.
- Q You make no claim for your wife do you? A No sir.
- Q How many children have you that you wish to make application for? A Three.
- Q What is the name of the oldest? A Bennie Lee.
- Q What? A Bennie Lee Portee.
- Q Bennie L. Portee; how old is Bennie? A She's six years old.
- Q Six? A Yes sir.
- Q What is the name of the next child? A Lee Grant.
- Q What? A Lee Grant Portee.
- Q Lee Grant? A Yes sir.
- Q L-ee ? A Yes sir.
- Q G-r-a-n-t ? A Yes sir.
- Q How old is Lee Grant? A He's three years old.
- Q How old? A Three year old.
- Q The next child? A Orminta.
- Q What? A Orminta.
- Q How do you spell that? A O-r-m-i-n-t-a .
- Q How old is this child? A She's a year old.
- Q How old? A A year old.
- Q You claim for yourself and these three children do you? A Yes sir.
- Q And yourself? A Yes sir.
- Q When and where were you married to your wife Lucinda? A In Clark County.
- Q Arkansas? A Arkansas, yes sir.
- Q Do you remember the day of the month and year? A '90-----'94.
- Q What day of the month? A '94, January 24th.
- Q By a minister under a license? A Yes sir.
- Q Have you the proof of the marriage of your wife and yourself with you now? A No sir, I havn't.
- Q Think you could produce it if given reasonable time? A Yes sir.

Reasonable time will be allowed this applicant in which to prove the marriage of himself and his wife.

- Q Was your wife ever married before she married you? A No sir.

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- Q Were you ever married before you married her? A No sir.
- Q She is the mother of these children is she? A Yes sir.
- Q And you are the father? A Yes sir.
- Q Is your name or the name of your oldest child Bennie on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A Sir?
- Q Did you ever get the names of your children and your own name put on the tribal rolls of the Choctaw Nation? A No sir, No sir.
- Q Have you or your oldest child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you or your oldest child ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for yourself and children for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand the provisions of Article XIV of the Treaty of 1830? A No sir.
- Q Do you understand about that Treaty of 1830 at all; anything about it? A No sir.
- Q The Treaty of 1830, sometimes called the Treaty of Dancing Rabbit Creek, was made between the United States Government and the Choctaw Indians on the 27th day of September, in 1830, and was made for the purpose of the removal of all of the Choctaw Indians from the old Choctaw Nation, in Mississippi and Alabama, to the Choctaw Nation Indian Territory. Before the Treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory with the other Indians and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation, Article XIV was put into the Treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by Sectional Lines of Survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall



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include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand the provisions of Article XIV, now that it has been read and explained to you? A Yes sir, yes sir.
- Q Did any of your ancestors comply in any way or attempt to comply with the provisions of that Article of that Treaty? Did they do any of those things that are stated they should do there in Article XIV? A Not as I knows of no sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather, Malachi Portee.
- Q What relation was he to you? A Grandfather.
- Q Did he live in Mississippi in 1830? A No sir, not as I knows of, I don't know.
- Q Did he ever live in Mississippi or Alabama any time in his life? A Not as I knows of.
- Q Where was he born? A I don't know where he was born. I don't know anything about him. He was grown up before I was born.
- Q What? A He was dead before I was born, I reckon.
- Q Well, did you ever hear anything about him through your mother? A No sir, not to remember it.
- Q Do you know when he died? A No sir, I doesn't.
- Q Do you know where he died? A Yes sir, he died in Clark County. He died in Clark County.
- Q Clark County, Arkansas? A Yes sir.
- Q But you don't know when? A No sir, I don't know what date.
- Q You don't know what state he was born in? A No sir, I doesn't.
- Q What? A No sir, I doesn't know.
- Q Don't know how old he would be if living now? A Why, he would be something near a hundred year old, I guess. About a hundred year old if he were living now.
- Q You don't know whether he lived in Mississippi or Alabama in 1830 or had a family there of children at that time? A No sir, I don't know whether he did or not.
- Q Did he speak the Choctaw language? A I don't know.
- Q Did he have a Choctaw Indian name? A Sir?
- Q Did he have a Choctaw Indian name? Did he have any other name besides this one that you ever heard? A No sir, none that I knows of.
- Q You claim through your father, Howel Portee, do you? A Yes sir.
- Q Was he the son of Malachi Portee? A Yes sir.
- Q Where was he born, your father? A I disremember where he were born.
- Q Do you know when he was born? A No sir.
- Q Do you know where he died? A Yes sir, he died in Clark County.
- Q Clark County Arkansas? A Yes sir.
- Q How old was he when he died there? A He was sixty-three years old.
- Q Sixty-three, and how long ago was that? A He died in '93.
- Q But you can't tell where he was born? A No sir.
- Q Do you know whether he ever lived in Mississippi or Alabama? A No sir, he never was there.

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- Q Did he speak the Choctaw language? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir, not as I knows of.
- Q Did any of your ancestors go from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Did any of your Choctaw ancestors within six months from the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A No sir, not as I knows of.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under the provisions of Article XIV of the treaty of 1830? A No sir, not as I knows of.
- Q Did they claim or own any land under the provisions of any other article of the Treaty of 1830 than Article XIV or under the Supplement of that Treaty? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors claimed any rights or benefits under any treaty made between the United States Government and the Choctaw Indians other than the Treaty of 1830? A No sir, I never did hear.
- Q The Indians who stayed in Mississippi and Alabama after the Treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians, were required by the provisions of Article XIV of the Treaty of 1830, to go to the United States Indian Agent, within six months from the ratification of that Treaty and register their names with him as people intending to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put down upon his list known as Ward's Register. Colonel Ward's neglect to enroll or place upon his list the names of all who came before him under the provisions of Article XIV of that Treaty, caused a good many Indians who held land in Mississippi and Alabama to have both land and improvements taken from them by the Government and sold. This caused so many complaints on the part of the Indians that in 1837 by an act of Congress approved March 3, of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. In 1842 Congress appointed another Commission for the same purpose and this Commission went to Mississippi and heard claimants under that Article of that Treaty. Do you know if any of your Choctaw ancestors went before either of those Commissions, the Commission of 1837 or the Commission of 1842? A No sir, I doesn't.
- Q And claimed benefits under Article XIV of that Treaty? A No sir I don't know of any of them.
- Q The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under Article XIV and if it also appeared that he had had his land taken from him by the Government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A No sir.
- Q Have you any documentary evidence or have you any witnesses that you want to produce here, or have you any witnesses you want to call before the Commission? A No sir, we havn't no witnesses.
- Q Have you any request to make in reference to the taking of depositions?

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tions of witnesses to be filed in your case later on? A No sir, I guess not.

Q What? A No sir.

Q You don't care for any time? (No answer).

Q You don't want any time? A Well, if it would requize it of course I would want it.

Reasonable time will be allowed this applicant in which to take depositions of witnesses or produce witnesses in person before the Commission.

Q Do you speak the Choctaw language? A No sir.

Q Have you had any relatives who have been before the Commission before you? A Yes sir.

Q Claiming throug h Malachi Portee? A Yes sir.

Q Give me the names? A Nancy Smith.

Q Mandy Smith: what relation is she to you? A She's my aunt and Richard Portee.

Q Richard Portee your cousin? A Yes sir, and Albert Allen.

Q Albert Allen. They all claimed through Malachi Portee did they? A Yes sir.

Q Do you want to have their testimony considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.

Q Is there anything more you want to say now in support of this claim? A No sir, I guess not.

This applicant has the appearance and physical characteristics of having Negro blood. He claims one-eighth Choctaw blood but the Commission is unable to see in his physical personal appearance anything except African characteristics and traits, in hair, color, features and eyes. He does not understand or speak the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

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Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 6, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 23<sup>rd</sup> day of January, 1902.

*Chas. M. [Signature]*  
Notary Public.

COPY.

M.C.N. 4300

Washkgee, Indian Territory, July 14, 1902.

Ben Portee,

Hebron, Arkansas.

Dear Sir:

You are hereby advised that on the 14th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda Smith,	M.C.N. 4299
Richard Portee, et al.,	M.C.N. 4183
Albert Allen Jr., et al.,	M.C.N. 4183
Ben Portee, et al.,	M.C.N. 4300

These applications were made under the provision of the act of Congress of June 28, 1890 (26 Stat., 490) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda Smith, Richard Portee, Jeff Portee, Nathan Portee, Harvey Portee, Billy Portee, Oscar Portee, Walter

Portee, Alabama Portee, Daisy Portee, Albert Allen Jr.,  
 Ruther Allen, Missouri Allen, Moses Allen, Flossie Allen,  
 Johnson Allen, Jesse Allen, Ben Portee, Bonnie Lee Por-  
 tee, Lee Grant Portee, and Granta Portee, as Choctaw In-  
 dians entitled to rights in the Choctaw lands under the pro-  
 visions of said article fourteen of the treaty of 1830, and  
 that the applications for their identification as such should  
 be refused, and it is so ordered."

You are further advised that the Commission has on this  
 date forwarded the record in this case to the Secretary of the In-  
 terior for review, and you will be informed in due time of such ac-  
 tion as may be taken by him.

Yours truly,

(SIGNED).

*W. H. H. H.*  
 Acting Chairman.

Registered.

H.C.R. 4300.

Muskogee, Indian Territory, August 22, 1905.

Ben Portee,

Hebron, Arkansas.

Dear Sir:

You are hereby advised that on the 14th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda Smith, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Yours truly,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

DEC 6 1901

Name Ben Portee,

Age 31 — Blood  $\frac{1}{8}$ 

Post Office, Hebron, Ark.

Father: Howel Portee, d

Mother: Nellie " , d

Claims through

wife, Lucinda Portee { negro  
 living

No claim for wife.

Children:

Bernie L. Portee, 6

Lee Grant " 3

Ormintha " 1

Claims for self and children

Stenographer

Wae Belford,



Choctaw MCR 4301

Mabel Cobb

See MCR 3948

MCR 4301

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 6, 1901.

#4301.

In the matter of the application of Mabel Cobb for the identification of herself and her two minor children, Guy and Ray Cobb, as Mississippi Choctaws.

Applicant represented by John London, Attorney.  
(No appearance).

Mabel Cobb, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Mabel Cobb.  
Q Mabel Cobb? A Yes sir.  
Q C-o-b is it? A C-o-bb.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Richmond, Arkansas.  
Q How long have you lived at Richmond? A All my life.  
Q Born there? A Yes sir.  
Q What is your father's name? A Coleman.  
Q Yes, what is the full name? A David Coleman.  
Q C-o-l-e-m-a-n? A Yes sir, -n-a-n.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Fannie Coleman.  
Q Is she living? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such, by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A James Cobb.  
Q Do you claim anything for him as having Indian blood? A No sir.  
Q White man? A Yes sir.  
Q How many children have you that you desire to make application for? A Two.  
Q What is the name of the eldest? A Guy.

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- Q How old is he? A Two years old.  
Q And the other? A Ten months, Ray.  
Q Ray? A Yes sir.  
Q Ten months? A Yes sir.  
Q Is James Cobb the father of these children? A James Cobb.  
Q What? A James Cobb.  
Q Was he ever married before he married you? A No sir.  
Q Or were you ever married before you married him? A No sir.  
Q You claim for yourself and these children do you? A What did you say?  
Q You claim for yourself and these two children? A Yes sir.  
Q When were you married, and where, to your husband? A I was married at Richmond, Arkansas, in Little River County.  
Q Do you remember the date? A On the 9th of March, in '98.  
Q By a minister under a license? A Sir?  
Q By a minister and with a license? A I was married by a license and a justice of the peace.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation-----A No sir-----by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.  
Q This is your first application for citizenship? A Yes sir.  
Q Ever made to any authority? A Yes sir.  
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the identification of these two children as Mississippi Choctaws claiming under Article XIV of the Treaty of 1830? A Yes sir.  
Q Do you understand that article of that Treaty? A Not exactly.  
Q The Treaty of 1830 was made between the United States Government and the Choctaw Indians who lived in Mississippi and Alabama in what is known as the old Choctaw Nation at that time, at a place called Dancing Rabbit Creek in Mississippi. The object of that Treaty being made was to get the agreement from the Choctaw Indians as a Nation, tending to their removal from the old Choctaw Nation to the new Choctaw Nation, Indian Territory. That was the object of that Treaty. It was signed by the representatives of both Governments on the 27th day of September, 1830, and the Treaty was afterwards ratified on the 24th day of February, 1831, but before it was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation in the Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation

(3).

of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity"

The purport of that article was that if any Indian wanted to stay back there in the old Choctaw Nation, and not go with the Nation when it removed to the new Choctaw Nation, Indian Territory, they could stay back there and take land in Mississippi or Alabama and become citizens of the United States, and at the end of five years would get a title from the Government for that land which they occupied, but they were obliged within six months from the ratification of this Treaty, to go to the United States Indian Agent and tell him that they wanted to do that. Do you know if any of your Choctaw ancestors complied or attempted to comply with any of those provisions of that Article? A I think not.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Thomas J. Love.
- Q Was he a fullblood Choctaw Indian? A No sir, half.
- Q How much Choctaw blood did he have? A Half part.
- Q Did he live in the old Choctaw Nation in Mississippi or Alabama? A In Mississippi.
- Q He lived in Mississippi; did he live there in 1830 and did he have a family there at that time? A Yes sir.
- Q How do you know that he had one half Choctaw blood and lived in Mississippi in 1830? A Only by what I have been told.
- Q In the family? A In the family.
- Q Who in your family told you? A My mother.
- Q You claim through your mother? A Yes sir.
- Q And she claims through which parent her father or mother? A Her father.
- Q What was his name? A John Love.
- Q And was Thomas J. Love John's father? A Yes sir.
- Q Did your grandfather John Love live in Mississippi? A He did.
- Q Was he born there? A yes sir.
- Q Was your mother born there? A No sir.
- Q How old would your grandfather, John Love, be if he were living now? A He was born in 1814. He was born in 1814----he would be eighty-five, I think.
- Q Born in 1814 in Mississippi washe? A Yes sir.
- Q That is John Love? A Yes sir.
- Q Do you know when and where Thomas, his father was born? A No sir.

(4).

- Q Or you don't remember the date of his birth? A Why, I have been told that he was born in Mississippi. I don't know though.
- Q And you don't know the date? A No sir, I don't know.
- Q Did Thomas J. Love speak the Choctaw language or his son John speak it? A Yes sir.
- Q You have heard that in the family. A I have heard that from my mother.
- Q Did you ever see your grandfather, John Love? A I did not.
- Q You say your mother was not born in Mississippi, and never lived there? A No sir, she was born in Arkansas.
- Q How old is she now? A Fifty.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I do not know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? Do you know whether any of them went to the Choctaw Nation, Indian Territory? A I don't know. My grandfather, John Love, has been here, but whether he lived here or not I don't know.
- Q You don't know whether he stayed here or whether he went away? A I don't know how long he stayed.
- Q Do you know what year he came to the Territory? A I do not.
- Q Did any of your Choctaw ancestors claim or receive any land from the Government under Article XIV of the Treaty of 1830? A No sir.
- Q Did they claim any land or receive any in Mississippi or Alabama under any other Article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty? A No sir.
- Q According to the provisions of Article XIV of the Treaty of 1830 the Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the Treaty of 1830 was ratified in order to take advantage of the provisions made in that article of that Treaty, were obliged to go to the United States Indian Agent within six months from the ratification of the Treaty of 1830, and register their names with him as Indians who desired to stay in Mississippi and take land there and become citizens of the United States. Those Indians who did that would be entitled to select land in Mississippi and in the old Choctaw Nation, and live upon it, and if they lived upon it for five years would get a deed from the Government for that land. They might afterwards go to the Choctaw Nation, Indian Territory and become members of that Tribe in that Territory if they desired. A great many Indians went to Colonel Ward within six months from the ratification of the Treaty, as required in Article XIV, but he failed to put their names down upon his list made by him, called Ward's Register. This neglect of his caused a good many Indians who held land in Mississippi and Alabama to lose both their land and the improvements upon it for both were taken by the Government and sold. This caused so many complaints among the Indians that Congress finally, in 1837 by an act approved March 3, 1837, appointed a Commission which went to Mississippi, and this Commission heard claimants under Article XIV of that Treaty. In 1842 Congress appointed another Commission for the same purpose and this Commission went to Miss-

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Mississippi and heard claimants under Article XIV of the Treaty of Dancing Rabbit Creek. Did any of your ancestors go before either of those Commissions and claim any benefits under Article XIV of that treaty? A No sir, not that I know of.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the Government as Choctaw Indians, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, and which was given to them because they had proved their claims under Article XIV of the Treaty of 1830, and also had proved that they had had land which the Government had taken? A I don't know.

Q What relatives of yours have appeared before this Commission to be identified? A Why, I have a good many. My mother was up here two weeks ago.

Q What is her name? A Fannie Coleman.

Q Fannie Coleman? A Yes sir.

Q Any others? A The Browns.

Q What's that? A There was some Browns, Wilsons and Loves here.

Q Browns Wilsons and Loves, all claiming through Thomas J. Love? A Yes sir.

Q Do you know Benjamin F. Love? Know who he is? A Yes sir.

Q Has he also appeared? A Yes sir.

Q He is a relative of yours? A An uncle.

Q Do you want to have the testimony of all of these relatives who have appeared here for identification as Mississippi Choctaws and who claim through Thomas J. Love, considered with yours in order that you may get the benefit of their Testimony? A Yes sir.

Q Have you any documentary evidence that you want to present now in support of this claim? A Any what?

Q Any documentary evidence or any other kind of proof? A No sir, I haven't any.

Q Have you any witnesses you want to call before the Commission? A No sir. I thought I would have one here yesterday, but they have all gone home I reckon. I didn't get here.

Q Shall you desire to take any depositions in this case, or to have them taken, do you think, or do you think you will have any witnesses called for their personal appearances here? A Why, I guess not.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium dark complexion, dark brown hair. She does not understand or speak the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 6, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901. *Hal Belford*  
Subscribed and sworn to before me this 25<sup>th</sup> day of January, 1902.

*Oliver Mitchell*  
Notary Public

Muskegee, Indian Territory, July 16, 1902.

Mabel Cobb,

Richmond, Arkansas.

Dear Madam:

You are hereby advised that on the 16th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Love, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry T. Love,	M.C.R. 3948
John M. Love, et al.,	" 3933
Will Love, et al.,	" 4296
Fannie Love,	" 4293
May Love,	" 4294
Bettie McConnell,	" 4295
Zeb Love,	" 4297
David A. Smith,	" 3945
Katie A. Patterson, et al.,	" 4519
Lulu T. Johnson, et al.,	" 4292
Pink Smith, et al.,	" 4298
Charles C. Brown, et al.,	" 3939
A. P. Brown, et al.,	" 3940
Juliett Pierce, et al.,	" 3943
Effie B. Perry, et al.,	" 3942
B. C. Brown,	" 3941
Fannie E. Coleman, et al.,	" 4063
Mabel Cobb, et al.,	" 4301
Hiram Coleman,	" 4302
Benjamin F. Love, et al.,	" 3932
Thomas J. Wilson, et al.,	" 3924
James H. Wilson, et al.,	" 3936



These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Love, John H. Love, Lewander Love, Will Love, Henry Love, Roy Love, Fannie Love, May Love, Bettie McConnell, Zeb Love, David A. Smith, Katie A. Patterson, Annie Patterson, James T. Patterson, Lulu T. Johnson, Leroy Johnson, Pink Smith, Erna Smith, Verna Smith, Lucy T. Smith, Clyde Smith, Sarah Smith, Charles C. Brown, Mattie P. Brown, Albert T. Brown, Charles T. Brown, A. P. Brown, Mattie Brown, Myrtle Brown, Ranie Brown, Louise Brown, Juliette Pierce, Robert A. Pierce, Sarah E. Pierce, Ida M. Pierce, James T. Pierce, Louis G. Pierce, Joseph A. Pierce, Effie E. Perry, Bob Perry, Birdie Perry, F. B. Brown, Fannie A. Coleman, Katie Coleman, Preston Coleman, Annie Coleman, Arlie Coleman, Mabel Cobb, Guy Cobb, Ray Cobb, Hiram Coleman, Benjamin F. Love, Benjamin F. Love, Jr., Mathew L. Love, Thomas J. Wilson, Mamie Wilson, Jesse Wilson, Roy Wilson, James H. Wilson, Ed Wilson, Columbus Wilson, Buriah Wilson, Hazel Wilson and Mary Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the In-



E. J. [unclear]

series for [unclear] and you will be informed in due time of such [unclear]  
view as may be taken by him.

Yours truly,

(SIGNED)

Registered,

*T. B. Needles.*

Commissioner in Charge

COPY.

M.C.R. 4301

Muskegee, Indian Territory, October 11, 1902.

Nabel Cobb,

Richmond, Arkansas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Love, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

Commissioner in Charge.

No. 4301

For Identification as a Mississippi Choctaw.

Date

DEC 6 1901

Name *Mabel Cobb*

Age 23

Blood  $\frac{1}{16}$

Post Office, *Richmond, Ark.*

Father: *David Coleman, d*

Mother: *Fannie " c*

Claims through mother  
husband

*James Cobb*  
~~*Coleman*~~, w.

No claim for husband

Children:

*Cobb*  
*Guy Coleman, 2*  
*Ray " 10 m*

Claims for self and  
husband -

*Mabel*

Choctaw MCR 4302

Hiram Coleman

See MCR 3948

MCR 4302

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 6, 1901.

#4302.

In the matter of the application of Hiram Coleman for  
identification as a Mississippi Choctaw.

Applicant represented by John London, Attorney.

Hiram Coleman, being first duly sworn, upon his oath  
testifies as follows:

Examination by the Commission.

- Q What is your name? A Hiram Coleman.  
Q What? A Hiram Coleman.  
Q What is it? A Hiram Coleman, H-i-r-a-m, Hiram.  
Q What is your age? A Twenty-two.  
Q What is your post office address? A Sherman, Texas.  
Q What? A Sherman, Texas.  
Q How long have you lived in Sherman? A I have been there two  
years.  
Q Where did you live before you lived there? A Richmond, Arkansas,  
Little River County.  
Q Where were you born? A Richmond Arkansas.  
Q What? A Richmond, Arkansas.  
Q You lived there all your life until you went to Sherman? A Yes  
sir.  
Q What is your father's name? A David Coleman.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Fannie Coleman.  
Q Living? A Yes sir.  
Q You claim through your mother do you? A Yes sir.  
Q She has been before the Commission to be identified, has she not?  
A Yes sir.  
Q How much Choctaw blood do you claim? A Why, I don't know how  
much I claim.  
Q Has your mother ever been recognized in any way or enrolled as a  
member of the Choctaw Tribe of Indians by the Choctaw tribal  
authorities or the United States authorities in the Indian Terri-  
tory? A No sir.  
Q Are you married? A No sir.  
Q Claim for yourself alone? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in

(2).

the Indian Territory? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No sir.

Q Is this the first application for enrollment as a Choctaw Indian that you have ever made either to the Choctaw tribal authorities or to the United States authorities in the Indian Territory? A Yes sir.

Q Do you now come before this commission for the purpose of being identified as a Mississippi Choctaw claiming your right under the provisions of Article XIV of the Treaty of 1830? A Yes sir.

Q Do you understand the provisions of Article XIV of that Treaty? A Yes sir, I think I do.

Q Would you like to have it further explained to you or not? A Why it's not necessary. I have heard you explain it twice here.

Q Article XIV is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that Treaty? A None that I know of.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Thomas J. Leve.

(3).

- Q How much Choctaw blood did he have? A I don't know.
- Q You claim through your mother, Fannie? A Yessir.
- Q How much Choctaw blood did she have, do you know? A No sir, I do not.
- Q What was her father's name? A John Love.
- Q Did she claim through him? A Yes sir.
- Q Was he the son of Thomas J. Love? A Why, I suppose so, yes. that's what they say.
- Q Did Thomas J. Love, or did his son live in Mississippi or Alabama in 1830? A They lived in Mississippi.
- Q At that time? A Yes sir.
- Q Did either of them have a family there at that time? Were they the heads of families? A Why, Thomas J. Love was I suppose.
- Q He had a family there at that time? A And John Love too, I think. He was married there. I don't know whether he was married at that time though or not.
- Q Do you know when John Love was born? A In 1814.
- Q Do you know when Thomas J. Love was born? A No sir.
- Q Do you know where Thomas J. died? A No sir.
- Q Or when? A They say he died in Bowie County Texas, but I don't know.
- Q Do you know how old John Love would be if he were living now? A John Love? He was born in 1814.
- Q 1814? A Yes sir.
- Q And in Mississippi? A Yes sir.
- Q Could Thomas J. Love or his son John, either of them speak the Choctaw language? A Yes sir, I think so.
- Q How do you know they could? A That's what my mother said.
- Q Your mother Fannie told you that? A Yes sir.
- Q Could she speak the Choctaw language? A No sir, I think not.
- Q Did Thomas J. Love have an Indian name? A I don't know.
- Q Did his son John have an Indian name? A I don't know that.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Did Thomas J. Love, or John, his son, or any of your Choctaw ancestors own or claim any land in Mississippi or Alabama, under the provisions of Article XIV of the Treaty of 1830? A I don't know.
- Q Did they claim any land or any benefits or any kind under the provisions of any other article of the Treaty of 1830 than Article XIV of that Treaty? A I don't know.
- Q Or under the supplement of that Treaty? A No sir.
- Q Did any of your Choctaw ancestors claim any rights, benefits or privileges under any treaty made between the United States Government and the Choctaw tribe of Indians other than the Treaty of 1830? A I don't know.
- Q The Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the Treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory with the other Indians under the provisions of the Treaty of 1830, were required by Article XIV of that treaty if they wanted to take advantage of its provisions, to go to the United States Indian Agent, Colonel Ward,

(4).

within six months from the ratification of the Treaty, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the United States. A good many Choctaw Indians did this who failed to have their names placed upon the list made by Colonel Ward, and known as Ward's Register. Colonel Ward was the United States Indian Agent in Mississippi at that time. His neglect to make a complete list of all of those Indians who registered their names with him under the provisions of Article XIV of that Treaty, caused a good many Indians to lose the land which they had in Mississippi, upon which they had improvements. Both were taken from them by the Government and sold. This caused a great many complaints among the Indians, so that in 1837, by an act of Congress approved March 3, of that year, a Commission was appointed which went to Mississippi and heard claimants under Article XIV of that Treaty, and made a list of the names of those who came before it. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. Did any of your Choctaw ancestors go before either of those two Commissions, claiming benefits under Article XIV of the Treaty of Dancing Rabbit Creek? A I don't know.

- Q The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under Article XIV of the Treaty of 1830, and if it also further appeared that he had had his land taken from him by the Government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.
- Q Can you give the names of some of your relatives who have been before the Commission for identification as Mississippi Choctaws claiming through Thomas J. Love? A Yes sir.
- Q Will you give them? A Ben F. Love.
- Q What's that? A Ben F. Love.
- Q Benjamin F. Love? A Yes sir.
- Q What relation to you? A He's my mothers-----great uncle to me I suppose. My mother's uncle. C. C. Brown, Tom Wilson, Frank Brown Jim Wislon, Curtis Brown.
- Q They have all been here have they? A Yes sir.
- Q Some of these people that came here yesterday; what are their names? A Why, I don't know. I don't know who was aiming to come yesterday, but I suppose that some of them were named Love. They were first cousins to me. Henry Love's children.
- Q Well, these relatives who all claim through Thomas J. Love, the same common ancestor through whom you claim-----you desire to have the testimony of all these people who claim through Thomas J. Love, you desire to have taken in connection with yours do you when yours is considered by the Commission in order that you may each get the benefit of the testimony of the others? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any testimony that you want to present further, or have you any witnesses that you wish to call? A No sir.
- Q Have you any motion or request to make in reference to the taking of depositions of witnesses? A No sir.
- Q You don't understand or speak the Choctaw language I support? A No sir.



(5).

This applicant has the appearance and physical characteristics of being descended from white parentage; he has a very red complexion, light blue eyes, red hair; his eye brows are the same color almost as his hair. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----:-----

Nel Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 6, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 23 day of January, 1902.

*Nel Belford*

*Chas. W. Belford*

Notary Public.

K.C.R. 4302

Muskegee, Indian Territory, July 18, 1902.

Hiram Coleman,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 18th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Love, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry T. Love,	K.C.R. 3948
John H. Love, et al.,	" 3933
Will Love, et al.,	" 4296
Fannia Love,	" 4293
May Love,	" 4294
Bettie McConnell,	" 4295
Zeb Love,	" 4297
David A. Smith,	" 3945
Katie A. Patterson, et al.,	" 4519
Lulu T. Johnson, et al.,	" 4282
Pink Smith, et al.,	" 4298
Charles C. Brown, et al.,	" 3939
A. P. Brown, et al.,	" 3940
Juliett Pierce, et al.,	" 3943
Effie E. Perry, et al.,	" 3942
B. G. Brown,	" 3941
Fannie E. Coleman, et al.,	" 4063
Mabel Cobb, et al.,	" 4301
Hiram Coleman,	" 4302
Benjamin F. Love, et al.,	" 3932
Thomas J. Wilson, et al.,	" 3944
James H. Wilson, et al.,	" 3938

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that, and may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Love, John H. Love, Lewander Love, Will Love, Henry Love, Roy Love, Fannie Love, May Love, Bettie McConnell, Zeb Love, David A. Smith, Katie A. Patterson, Annie Patterson, James E. Patterson, Lulu T. Johnson, Leroy Johnson, Pink Smith, Erna Smith, Verna Smith, Lucy T. Smith, Clyde Smith, Sarah Smith, Charles G. Brown, Mattie P. Brown, Albert S. Brown, Charles T. Brown, A. P. Brown, Mattie Brown, Myrtle Brown, Ranie Brown, Louise Brown, Juliette Pierce, Robert A. Pierce, Sarah E. Pierce, Lucy M. Pierce, James T. Pierce, Louis G. Pierce, Joseph A. Pierce, Effie E. Parry, Bob Parry, Bird Parry, B. G. Brown, Fannie E. Coleman, Katie Coleman, Preston Coleman, Annie Coleman, Arlie Coleman, Mabel Cobb, Guy Cobb, Ray Cobb, Hiram Coleman, Benjamin F. Love, Benjamin F. Love, Jr., Mathew L. Love, Thomas J. Wilson, Nannie Wilson, Jesse Wilson, Roy Wilson, James H. Wilson, Ed Wilson, Colatus Wilson, Burlah Wilson, Ethel Wilson and Mary Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action.

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now as may be taken by him.

Yours truly,

(SIGNED)

Registered,

T. D. Needles.

Commissioner in Charge.

COPY.

M.C.R. 4302.

Muskogee, Indian Territory, October 11, 1902.

Hiram Coleman,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Love, et al., of which decision you were advised by registered mail on the 18th day of July, 1902.

Respectfully,

Commissioner in Charge.



4302

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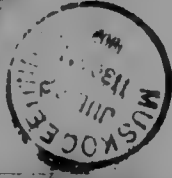
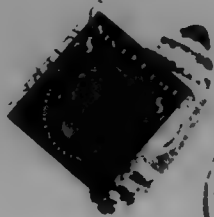
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



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Hiram Coleman,  
Sherman,

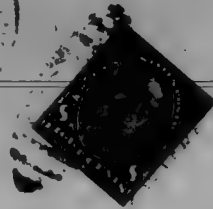
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Returned to sender

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JUL 13 1891  
MUSKOGEE, IND. TER.





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Hiram Coleman,

Sherman,

Tex.

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## For Identification as a Mississippi Choctaw.

Date

DEC 6 1901

Name *Niam Coleman*Age *22*

Blood don't know

Post Office, *Sherman, Texas,*Father: *Agard Coleman* *l*Mother: *Fannie* *"* *l*Claims through *mother*~~Children:~~*Claims for self alone,*

Choctaw MCR 4303

Julia A. Whittington

See MCR 282

MCR 4303

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Gelbert, I. T., June 20, 1900.

In the matter of the Application of :  
Julia A. Whittington et al for En- :  
rollment as Citizens of the Cheetaw : Cheetaw-R. 688.  
Nation. :  
-----!

Julia A. Whittington, being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Julia A. Whittington.  
Q How old are you? A 33 years.  
Q What is your postoffice address? A Berwyn, I. T.  
Q How long have you lived at Berwyn? A Going on 2 years.  
Q How long have you been living in the Territory? A I have been living in the Territory somewhere about 3 years. I don't know exactly.  
Q You are sure it is three years are you? A Yes, somewhere about three years.  
Q What year was it you came to the Territory? A It was in '97 I think.  
Q You are sure it was not '98? A No, I don't think it was. '97 I think. Q Where did you live before you came to the Territory?  
A I lived in Texas.  
Q How long did you live in Texas? A I was born and raised in Texas.  
Q What is your father's name? A Napoleon Moore.  
Q Is he living? A No sir.  
Q Was he a white man or an Indian? A ~~Shantawhickaw~~ White man.  
Q What is your mother's name? A Mary Moore.  
Q Is she living? A No sir.  
Q She was an Cheetaw Indian, was she? A Yes sir.  
Q What proportion of Cheetaw blood did she claim to have? A 1/4  
Q Was her name ever on the tribal rolls? A No sir.  
Q Was she ever recognized by the tribal authorities as a Cheetaw Indian? A No, not that I know of.  
Q What proportion of Cheetaw blood do you claim to have? A 1/8.  
Q Has your name ever been on the tribal rolls? A No sir.  
Q Have you ever been recognized by the Cheetaw tribal authorities?  
A No sir.  
Q Did you apply to the tribal authorities for citizenship? A No sir.  
Q Did you apply to the Dawes Commission in '96? A No sir.  
Q This is your first application? A Yes sir.  
Q You didn't apply a year ago? A No sir.  
Q What is the name of the father of your children? A John Whittington.  
Q Is he living? A Yes sir.  
Q He is a white man, is he? A Yes sir.  
Q What are the names and ages of your children? A Arthur L. 14, Katie, 9, Marian, 4, Ruby, 3.  
Q Do these children live with you? A Yes sir.  
Q Their residence has always been the same as yours? A Yes.  
Q Is there any additional statement that you would like to make in regard to your case at this time? A No sir.  
Q Are there any papers that you wish to file? A Yes sir.

Affidavit of Julia Whittington offered in evidence  
marked Ex. A. and made a part of this  
record.

Decision withheld.

**Interrogatories by Attorney Nathan:**

- Q What relatives, if any, have you on the roll? A I have an own aunt and several own cousins on the roll.
- Q What is the name of your aunt? A Elizabeth, I think is the name that is on that paper. E. Egger.
- Q He was admitted by the U. S. Court at Ardmore? A Yes sir.
- A Yes sir.
- Q That is, judgment was rendered there in her case? A Yes sir.
- Q And afterwards admitted by the Dawes Commission? That was in the case of T. T. Bettins et al? A Yes sir.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the evidence of the above named witness, and that foregoing is a true and complete translation of her shorthand notes in said case.

Frances R. Brown

Subscribed in my presence and sworn to before me this  
24 day of July, A. D., 1900.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Julia A. Whittington for the enrollment of herself and children as citizens by blood of the Chee-taw Nation.

-----

The applicant, Julia A. Whittington, appeared before the Commission at Colbert, Indian Territory, June 20, 1900, and there made application for the enrollment of herself and minor children, Arthur L. Katie, Marian, and Ruby Whittington, as citizens by blood of the Chee-taw Nation.

It appears from the evidence in this case that the names of the applicants have never been on any of the rolls of the Cheetaw Nation, and that the applicants have never been admitted to citizenship in the Cheetaw nation by either the legally constituted authorities of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of the Commission.

The application of Julia A. Whittington for the enrollment of herself and minor children, Arthur L., Katie, Marian, and Ruby Whittington, as citizens by blood of the Cheetaw nation, is therefore hereby refused.

BY THE COMMISSION.



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Acting Chairman.

Muskogee, Indian Territory, Oct., 1., 1900.

Muskogee, Indian Territory, October 18, 1900.

W. H. Harlan,

Berwyn, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 15th instant in which you desire to be informed if G. T. Whittington and Thomas Atwood are recognized citizens of the Chickasaw Nation and entitled to hold lands and rent the same in that Nation.

You are informed that the records of this Commission do not show that any party by the name of G. T. Whittington has ever been listed for enrollment as a citizen of either the Choctaw or Chickasaw Nation. It does appear, however, that Julia A. Whittington of Berwyn, Indian Territory, appeared before this Commission at Colbert, Indian Territory, on June 20th, 1900, and there made application for the enrollment of herself and her four minor children, Arthur L., Katie, Marion and Ruby W. In her testimony given at that time she states that her husband's name is John Whittington and the Commission is led to believe that this is the party of whom you inquire by reason of their post-office address being the same as yours. There was offered in evidence and for the consideration of the Commission, a number of affidavits, exhibits and other papers in support of this application and the Commission after carefully considering the same on October 1st, 1900, rendered a decision refusing the application of Mrs. Whittington and her children for enrollment in the Choctaw Nation. A copy of the

decision was mailed to him at Berwyn on October 1st.

As to Thomas Atwood, the records of this Commission show that he appeared and made application for enrollment as a citizen of the Choctaw Nation on September 14th, 1898, and was duly listed for enrollment as a citizen of that Nation by this Commission in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore on December 22nd, 1897 in Court case No. 115.

Yours truly,

Acting Chairman.

7-5001

2-1058



Muskogee, Indian Territory, March 6, 1901.

J. P. Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant enclosing applications for appeal from the decision of the Commission to the Secretary of the Interior in the matter of the application for enrollment as citizens of the Choctaw Nation of George W. Atwood and his children, George W., Mary, Rosey and Willie Atwood, and of Julia Whittington and her children Arthur L., Katie, Marion and Rubie Whittington.

The application for appeal in the matter of the application of George W. Atwood et. al has been duly filed with the records of the Commission and the testimony and documentary evidence in the matter of such application of George W. Atwood for the enrollment of himself and his three minor children, George W., Mary and Rosey Atwood will be forwarded to the Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are submitted to the Secretary of the Interior for approval.

It does not appear from our records or from Mr. Atwood's testimony at the time of his application that any application has ever been made for the enrollment of Willie Atwood. The appeal prayed by you would therefore not apply to this child, Willie W. Atwood.

The petition for appeal in the matter of the application

S F 6 2

of Julia Whitting et. al has been duly filed with the records of the Commission in the matter of such application and the records of the Commission and the testimony and documentary evidence in the matter of such application will be forwarded to the Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are submitted to him for approval.

Yours truly,

Acting Chairman.

7-R-658

7-R-659

Muskogee, Indian Territory, December 8, 1901.

Julia A. Whittington,

Berwyn, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of Eudora Childress, et al., you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Colbert, Indian Territory, on June 20, 1900, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and four minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Wednesday,

J. A. W. 2.

January 15, 1902 at nine o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. ~~1902~~ .

Muskogee, Indian Territory, January 22, 1902.

J. F. Sharp,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing a letter addressed to you by J. T. Whittington, an applicant to this Commission for identification as a Mississippi Choctaw.

In your letter of the 14th instant you state that it will be impossible for you to be in Muskogee on January 18th on account of other engagements and that Julia A. Whittington, one of your clients in whose behalf it was your intention to appear was sick and unable to be present. You desire that the Commission grant a continuance in the case of Julia A. Whittington.

In our letter of January 7, 1902, the matter of continuances in these Mississippi Choctaw cases which had been set for hearing was gone into at some length and you were then advised that at the time and place set for the hearing of additional evidence in these cases and where notice had been given all the parties in interest, that the cases would be called for hearing and that if

J Y 8 2

no appearances were made by the applicants or witnesses, the Commission would consider that it was not their intention to further prosecute what rights they might have as Mississippi Choctaws and would prepare the case upon the evidence submitted and render its decision and forward the record to the Secretary of the Interior for his review.

You are informed that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on January 13, 1902, at 9 o'clock A. M., the Commission called for further hearing the consolidated case of Eudora Childress et al., applicants for identification as Mississippi Choctaws. It appears from our records that the application of Julia A. Whittington, et al., was consolidated with and made a part of the case of Eudora Childress, et al. On that date Eudora Childress presented herself in person before the Commission and she was fully examined relative to the rights of herself and the several interested parties in her case to identification as Mississippi Choctaws. There was no mention made either by the applicant, Eudora Childress or by any attorney in her behalf or in behalf of the other interested parties on that date for a continuance in this case and the Commission therefore, considering that it was not the intention of the applicants to offer any additional testimony, has considered the case closed and is now preparing its decision and opinion relative to the rights of the several persons included therein to identification as

J F S S

Mississippi Choctaws for submission to the Secretary of the Interior for his review.

We cannot therefore comply with your request for an indefinite continuance in the case of Julia A. Whittington, et al., or receive or consider any further evidence in support of such application.

The letter of J. A. Whittington addressed to you, is returned herewith.

Yours truly,

Acting Chairman.

M C R 4303

Enc Y 159

COPY.

Muskogee Indian Territory, June 5, 1902.

Julia A. Whittington,

Berwyn, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rudora Childress, et al., embracing the following applications for identification as Mississippi Choctaws:

Rudora Childress, et al.,	H.C.R. 282
Julia A. Whittington, et al.,	H.C.R. 4303
George W. Atwood, et al.,	H.C.R. 4304
Frances M. Montgomery,	H.C.R. 4335

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eight hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rudora Childress, Buster Childress, Charley Childress, Rosie Childress, Willie Childress, Frankie Childress, Julia A. Whittington, Arthur L. Whittington, Katie Whittington, Marian Whittington, Ruby Whittington, George W. Atwood, George William Atwood, Mary Atwood, Rossey Atwood, Wiley Wesley Atwood and Frances M. Montgomery as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused and it is so ordered."



JAN 40

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) *Tamc Dixby*

Acting Chairman.

Registered.

*mcR 282*  
*4303*

COMMISSIONERS.

HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. DRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4/11/1903  
REFER IN REPLY TO THE FOLLOWING

M. C. R. 4303.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 7, 1902.

Julia A. Whittington,

Berwyn, Indian Territory.

Dear Madam:

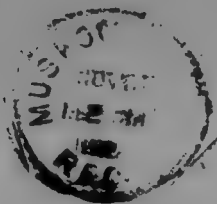
You are hereby advised that on the 29th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eudora Childress, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Respectfully,

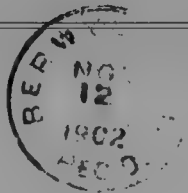
  
Acting Chairman.  


4303

File



4303



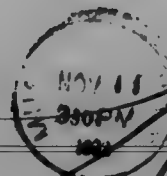
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for ~~non~~ use, \$300.



*Return to Sender*

Julia A. Whittington,

*Moved to unknown place*

*Try*

*Thackerville*

*I.T.*

~~BERWYN,~~

~~Indian Territory.~~

MM

**FILED**  
JUN 20 1900  
COMMISSION TO FIVE TRIPS.

MM

NOV 10 1900

CHOCTAW.

JUN 20 1900

Julia A. Whittington, (32)  
Berwyn, I. T.

(Father). Napoleon B. Moore.

(Mother). Mary J. Moore.

(Husband) John Whittington

14. Arthur L.

9. Katie.

4. Marian.

3. Rubie.

CHOCTAW.

Personal appearance and  
testimony at Colbert, I. T.

June 20, 1900.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

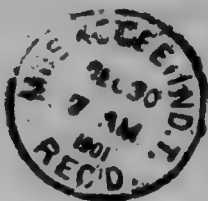
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ACTING CHAIRMAN.



ACTING CHAIRMAN.

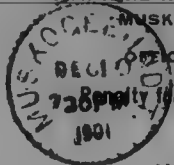
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COMMISSION TO THE LIVING CHIEF TRIBES



McKays

Department of the Interior.

Commission to the Five Civilized Tribes.



MUSKOGEE, OKLA. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Julia C. Whitington

Berwyn

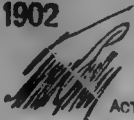
J. J.

Post Office address  
unknown to me. Pm

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JUL 23 1902



ACTING CHAIRMAN.

4303

Reg #4150



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Recd*

*Return to sender*  
*unclaimed*  
*Hard*

*Julia A. Whittington*  
*Thackerville*  
*Int'l*

*B. J. J.*

*J. J.*

## For Identification as a Mississippi Choctaw.

Date June 20 1900Name Julia A. WhittingtonAge 32 Blood 1/8Post Office, Berwyn I.T.Father: Napoleon B. Moore <sup>dead</sup>Mother: Mary J. Moore <sup>dead</sup>Claims through Mother

Claims for self &amp; 4 Children

## Children:

Arthur L. Whittington 14

Katie Whittington 9

Marian Whittington 4

Rubie Whittington 3

Enrollment Agent James R. Brown

Choctaw MCR 4304

George W. Atwood

See MCR 282

MCR 4304

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Colbert, Indian Territory, June 20, 1900.

In the matter of the application of George W. Atwood, for himself and on behalf of his minor children for enrollment as citizens by blood of the Choctaw Nation. George W. Atwood, being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A George W. Atwood.  
Q What is your age? A Thirty-five.  
Q What is your postoffice address? Marietta, I.T.  
Q You live at Marietta? A Yes sir.  
Q You have your home and place of business there? A No, I have generally been working over near Pauls Valley.  
Q Your home is in Indian Territory? A Yes sir and has been for six years.  
Q All your belongings are here? A Yes sir.  
Q You claim as a Choctaw? A Yes sir.  
Q How much Choctaw blood do you claim to have? A One-eighth.  
Q What is your father's name? A Ike Atwood.  
Q Is he living? A No sir, he's dead.  
Q What is your mother's name? A Ann Atwood.  
Q Is she living? A No she is dead.  
Q Through which one of your parents do you claim Choctaw blood.  
A My Mother.  
Q Does your mother's name appear upon any of the Choctaw tribal rolls? A Not that I know of.  
Q Has she ever been recognized by the Choctaw tribal authorities as a citizen? A I don't know.  
Q Did she ever apply to the tribal authorities of the Choctaw Nation for citizenship? A No sir.  
Q Did she apply to the Commission to the Five Civilized Tribes, in 1896, under the Act of Congress, June 10, 1896 for citizenship in the Choctaw Nation? A No sir, she was dead, she died when I was 11 years old.  
Q Is your name on any of the tribal rolls? A No sir.  
Q Have you ever been recognized by the tribal authorities as a Choctaw? A No sir.  
Q Did you ever apply to the tribal authorities of the Choctaw Nation for citizen ship in the Choctaw Nation? A Nothing only this.  
Q Did you apply in 1896 to the Commission to the Five Civilized tribes under the Act of June 10th, 1896? A No sir.  
Q On what then do you base your claim to citizenship in the Choctaw Nation. A Because of my brothers being enrolled at Pauls Valley in 1896.  
Q What was your brother's name? A Thomas Atwood.  
Q You say he was enrolled in 1896? A Yes sir.  
Q By whom was he enrolled? A By the Dawes Commission.  
Q You are sure that was in 1896? A Yes sir, when they was at Pauls Valley.  
Q The Commission was never at Pauls Valley during 1896? A Well, it was while they were there, about that time.  
Q You say your brother was enrolled by this Commission at Pauls Valley? A In 1898, then, by an order of the Court.  
Q He was admitted to citizenship then by a Judgment of the United States Court? A Yes sir.

Records examined; name of Thomas Atwood found on Choctaw roll card, field number 8001, having been admitted to citizenship by judgment of the United States Court for the Southern District, Indian Territory, at Ardmore, December 22, 1897, Court case No. 115.

Geo. W. Atwood -2-

Q I understand then, that you make this claim for Choctaw citizenship by blood by virtue of the fact that your brother was admitted by judgment in the case of Z. T. Bottoms et al? A Yes sir.

Q Were you a party to the original application made to this Commission in 1896 in that case? A No sir, I was not.

Q Is your name in that judgment? A Not that I know of.

Records of the Commission examined; On Choctaw Citizenship Docket "C", page 201, case of Zachariah T. Bottoms et al vs the Choctaw Nation; original application filed September 8th, 1896, answer of the Choctaw Nation filed; application denied by the Commission December 1st, 1896; appeal taken to the United States Court for the Southern District, Indian Territory and the decision of the Commission was reversed and 74 persons admitted to citizenship by virtue of that judgment. The name of George A.W. Atwood does not appear among the names of the persons admitted to citizens by virtue of that judgment.

Q Are you married? A Yes sir.

Q What is your wife's name? A Millie Atwood.

Q What is her age? A Twenty-six.

Q Do you make any claim for her? A No sir.

Q Is she living? A Yes sir.

Q Have you any children under 21 years of age and unmarried? A Three.

Q Do you desire to make application for them? A Yes sir.

Q What do you claim to be? A Choctaws.

Q Give the names and ages of each. A George William Atwood 12, Mary Atwood 8 and Rosey Atwood 4.

Q Is that all? A Yes sir.

Q Who is the mother of these children? A Belle Atwood.

Q Is she living? A No sir, she is dead.

Q Were the names of these children in the original application made to this Commission in 1896 in the case of Z. T. Bottoms, et al? A No sir.

Q They were not in the judgment rendered by the United States Court in that case? NO sir.

Q This then, is the first application ever made by you on your own behalf or on behalf of these children to either the authorities of the Choctaw Nation or of the United States? A Yes sir.

Q You live in Indian Territory? A Yes sir.

Q How long have you lived here? A 26 years.

Q You have lived here continuously for the past 26 years? A Except about two years in Iowa.

Q When was that? A In 1891 on a visit.

Q Are there any additional statements that you desire to make at this time in regard to your case? A No sir.

Q Are there any papers that you desire to file with the Commission at this time for its consideration? A Yes sir.

Application of George W. Atwood and his minor children, through Attorney J. F. Sharp, offered in evidence marked exhibit "A" and filed.

By Atty Hudson:

Q What relatives do you claim to have on the Rolls? A A brother - Thomas Atwood.

Q Any others? A Bettie Seagraves, my aunt.

Q They were admitted under judgment of the United States Court at Ardmore Indian Territory, were they not? A Yes sir.

Q Any others? A Elge Kirkland, Thomas Bottoms and others.

Q You say the Atwood first names is your full brother? A Yes sir. Commission:

Q Are there any additional statements which you wish to make? A No sir.

The decision of the Commission as to your application on your



Geo. W. Atwood -3-

own behalf and on behalf of your three minor children for enrollment as citizens by blood of the Choctaw nation will be mailed to you in writing in the near future at your present postoffice address.

A. McElrath, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case and that the above and foregoing is a full, true and complete transcript of his stenographic notes in said cause.

*A. McElrath*

Subscribed and sworn to before me this 14 day of August 1900.

*[Signature]*

Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George W. Atwood, for the enrollment of himself and minor children, as citizens by blood of the Choctaw Nation.

-----o-----  
The applicant, George W. Atwood, appeared before the Commission at Colbert, Indian Territory, June 20, 1900, and there made application for the enrollment of himself, and minor children, George W., Mary, and Rosey Atwood, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the names of the applicants have never been on any of the rolls of the Choctaw Nation, and that the applicants have never been admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of the Commission.

The application of George W. Atwood for the enrollment of himself and minor children, George W., Mary, and Rosey Atwood, as citizens by blood of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSION.



-----  
Acting Chairman.

Muskegee, Indian Territory, Oct. 1, 1900.

Muskogee, Indian Territory, September 8, 1900.

P. H. Pearson,

Pike, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 6th instant in which you state that you have in your charge a little child said to have been enrolled as a citizen of the Choctaw Nation and whose name is Mary Atwood, her father being George W. Atwood and whose mother is dead.

You now request that the Commission look on the rolls of citizens of the Choctaw Nation and see if the name of this child appears thereon.

You are informed that the records of this Commission show that on June 20th, 1900, at Colbert, Indian Territory, George W. Atwood, appeared before the Commission and there made application for the enrollment of himself and three children, George W. Jr., Mary and Rosie, and the Commission after hearing the testimony at the time of Mr. Atwood's personal appearance and the written evidence submitted by him in support of his application since that time, is unable to enroll either him or his children as citizens of the Choctaw Nation and their enrollment has been refused.

The decision of the Commission stating at length its reason for any action taken in this case will be mailed to Mr. Atwood at Marietta, Indian Territory, in the near future.

As to whether the name of Eubanks appears on the rolls of the Cherokee Nation, you are informed that such rolls are not now

J. H. P.

in the office of the Commission at Muskogee but are with the Cherokee travelling party in the field. If you will address a separate communication as to these people, stating their full given names, their ages and the district in the Cherokee Nation to which they claim to belong, the matter will receive proper consideration.

Yours truly,

Acting Chairman.

7-R-659

Huskogee, Indian Territory, January 17, 1901.

George W. Attwood,

Thackerville, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 14th instant in the matter of your application and the application made on behalf of your minor children for enrollment as citizens by blood of the Choctaw Nation.

You state that you have recently been informed that a registered letter was mailed to you at Marietta and was returned for the reason the post master at that place was unable to locate you or deliver the same.

You now desire to be informed if the Commission has rendered a decision in your application either enrolling you and your children or denying your rights to enrollment in the Choctaw Nation.

You are informed that the Commission on October 1st, 1900, rendered a decision refusing the application for the enrollment of yourself and your three minor children as citizens by blood of the Choctaw Nation. A copy of the said decision being mailed to you by registered mail to the post-office address given by you, Marietta, Indian Territory, October 11th, 1900. The same was returned to the Commission on December 8th, 1900 as undelivered. This letter contained the Commission's decision as to your application for enrollment and is enclosed you herewith.

Reg. mail. Enc. 1  
V-N-559

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 31, 1901.

J. F. Sharp.

Attorney at Law.

Purcell, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 22nd instant relative to the rights to enrollment as a citizen of the Chectaw Nation of G. W. Atwood. You state in your letter that you are in receipt of a communication from Mr. Atwood concerning his case. That he writes you that there was a registered letter received at Marietta postoffice on December 6th which was returned and he believes this letter was from the Commission concerning his rights. You now desire to be informed if his case has been passed upon and if so that you be furnished with a copy of the Commission's decision.

You also request information as to the application for citizenship in the Chectaw Nation of F. M. Montgomery.

Replying to your letter you are informed that in the matter of the application of G. W. Atwood et. al for enrollment as citizens of the Chectaw Nation the records of this Commission show that at Colbert, Indian Territory, on June 20th, 1900, George W. Atwood appeared before the Commission and made application for the enrollment of himself and his three minor children, George W. Jr., Mary and Fessy Atwood as citizens by blood of the Chectaw Nation.

At said time there was filed with the Commission the original written application of George W. Atwood, et. al and ex

July 14th, 1900, additional written evidence was submitted by the applicant and filed by the Commission in this case.

On October 1st, 1900, after a careful consideration of the application of Mr. Atwood on his own behalf and on behalf of his children, the Commission rendered a decision refusing the application for the enrollment of himself and his children as citizens of the Choctaw nation. A copy of this judgment was sent to Mr. Atwood at Marietta, Indian Territory, by registered mail, on October 11th, 1900 and was returned to the Commission on December 8th, 1900 as undelivered.

The Commission was in receipt of a letter from Mr. Atwood of the 14th of January relative to the mailing and return of this letter and on the 17th of this month the Commission wrote Mr. Atwood at Thackerville, Indian Territory, enclosing a copy of the decision of the Commission in the matter of his application and the application on behalf of his children.

Mr. Atwood can undoubtedly furnish you with such copy as he has no doubt received the same by this time.

Relative to your inquiry as to the application for citizenship in the Choctaw nation of E. M. Montgomery, you are informed that the records of this Commission show that at Colbert, Indian Territory on June 20th, 1900, Frances M. Montgomery, made application for enrollment as a citizen of the Choctaw nation. There was offered in evidence at that time his original written application and subsequent thereto on July 14th, 1900, there was filed with the Commission additional written evidence in this case. On October 1st, 1900, the Commission rendered a decision refusing the appli-

J F S 3

action of Francis M. Montgomery for enrollment as a citizen of the  
Cherokee Nation, a copy of such judgment having been mailed to Mr.  
Montgomery at Muskogee, Indian Territory, October 11th, 1900. We have  
Mr. Montgomery's registry receipt for such letter.

Yours truly,

Acting Chairman.

7-R-650

7-R-650



Muskogee, Indian Territory, March 2, 1901.

J. E. Sharp,

Attorney at Law,

Purecell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant enclosing applications for appeal from the decision of the Commission to the Secretary of the Interior in the matter of the application for enrollment as citizens of the Choctaw Nation of George W. Atwood and his children, George W., Mary, Bessy and Willie Atwood, and of Julia Whittington and her children Arthur L., Katie, Marion and Marie Whittingtons.

The application for appeal in the matter of the application of George W. Atwood et. al. has been duly filed with the records of the Commission and the testimony and documentary evidence in the matter of such application of George W. Atwood for the enrollment of himself and his three minor children, George W., Mary and Bessy Atwood will be forwarded to the Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are transmitted to the Secretary of the Interior for approval.

It does not appear from our records or from Mr. Atwood's testimony at the time of his application that any application has ever been made for the enrollment of Willie Atwood. The appeal prayed by you would therefore not apply to this child, Willie V. Atwood.

The petition for appeal in the matter of the application

7-2-88

of Julia Whitting et. al has been duly filed with the records of the Commission in the matter of such application and the records of the Commission and the testimony and documentary evidence in the matter of such application will be forwarded to the Secretary of the Interior when the final rolls of citizens of the Cheyenne Nation are submitted to him for approval.

Yours truly,

Acting Chairman.

7-R-688

7-R-689

Maskogee, Indian Territory, November 4, 1901.

J. F. Sharpe,

Attorney at Law,

Purcell, Indian Territory.

Dear Sir:

Referring to your letter of September 2, 1901, enclosing the application for enrollment as a citizen of the Choctaw Nation of Wiley Wesley Atwood, the infant son of George W. and Millie Atwood, born April 27, 1901, you are informed that the same has this day been filed with the records of the Commission.

Yours truly,

Acting Chairman.

7-R-747

Muskogee, Indian Territory, December 9, 1901.

George W. Atwood,

Marietta, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Eudora Childress, et al., you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Colbert, Indian Territory on June 20, 1900, you made personal application to this Commission for the identification of yourself and three minor children as Mississippi Choctaws claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Wednesday

G. W. A. 2.

January 15, 1902 at nine o'clock A. M: there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 4304.

  
Commissioner in charge.

COPY.

Muskogee Indian Territory, June 5, 1902.

Geo. W. Atwood,

Marietta, Indian Territory.

Dear Sir:-

You are hereby advised that on the 4th day of June, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eudora Childress, et al., embracing the following applications for identification as Mississippi Choctaws:

Eudora Childress, et al.,	M.C.R. 282
Julia A. Whittington, et al.,	M.C.R. 4303
George W. Atwood, et al.,	M.C.R. 4304
Frances M. Montgomery,	M.C.R. 4335

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eudora Childress, Buster Childress, Charley Childress, Rosie Childress, Willie Childress, Frankie Childress, Julia A. Whittington, Arthur L. Whittington, Katie Whittington, Marian Whittington, Ruby Whittington, George W. Atwood, George William Atwood, Mary Atwood, Rosey Atwood, Wiley Wesley Atwood and Frances M. Montgomery as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

GA GVA

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tams Bixby.*  
Acting Chairman.

Registered.

282  
4304

H.C.R. 4304.

COPY

Muskogee, Indian Territory, November 7, 1902.

Geo. W. Atwood,

Marietta, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eudora Childress, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Respectfully.

(SIGNED)

*James G. Carter*  
Acting Chairman.



Muskogee, Indian Territory, November 19, 1902.

George W. Atwood,

Marietta, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13, addressed to the United States Indian Inspector, which has been by him referred to this Commission for reply. You state therein that you do not claim to be a Mississippi Choctaw; that you claim to be a Choctaw by blood and wish to offer the same evidence that was submitted in the Z. T. Bottoms case.

In reply to your letter you are advised that Zachariah T. Bottoms was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Southern District of the Indian Territory, rendered at Ardmore, December 22, 1897, in court case, citizenship docket, Number 115. Your name not being included in the said judgment of the court admitting Zachariah T. Bottoms et al. to citizenship in the Choctaw Nation, you acquired no rights thereunder.

Your application was therefore consolidated with that of other applicants for identification as Mississippi Choctaws claiming Choctaw descent from the same common ancestor, and you were refused

G.W.A. R

identification as a Mississippi Choctaw for the reason that there was no proof of the compliance of any of your alleged Choctaw ancestors with the provisions of article fourteen of the treaty of 1830. On October 29, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the identification of yourself and your ancestors as Mississippi Choctaws. The Commission therefore considers this case closed.

Respectfully,

Acting Chairman.

FILED  
JUN 30 1900  
TERRITORY OF NEW MEXICO  
SANTA FE



For Identification as a Mississippi Choctaw.

Date June 20. 1900

Name George W. Steward

Age 35 Blood 1/8

Post Office, Marilla, N. I.

Father, He Steward Dead

Mother, Ann Steward ✓

Claims through Mother

Claims for self & 3 Children

Children:

George W. Steward Jr	12
Mary	8
Rory	4
x 10 by 1/2	from
x 1/2 by 1/2	from

grapher

Amellath

In case No. 659--Choc. R., the  
name of applicant's child is giv-  
en in the testimony as "George  
William" Atwood. In the judgment  
it is written as "George W.," Atwood

R. C. S.

Oct, 12, 1900

Choctaw MCR 4305

James F. Brownlee

See MCR 4166

MCR 4305

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 9, 1901.

4300.

In the matter of the application of James F. Brownlee for the identification of himself and his three minor children, Hugh B., Fort H., and Clara V. Brownlee, as Mississippi Choctaws.

---Not represented by attorney---

James F. Brownlee, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A James F. Brownlee.  
Q What is your age? A Thirty five, I was born in 1866.  
Q What is your post office address? A Lawton.  
Q Indian Territory? A It is Oklahoma now.  
Q How long have you lived at Lawton? A I ain't lived there but about a month.  
Q Where did you live before you lived at Lawton? A Texas.  
Q What place in Texas? A Stamford.  
Q How long did you live there? A I lived there about four years.  
Q Where did you live before that? A Lamar county and Fannin county.  
Q Were you born in Texas? A Yes sir, I was born in Fannin county.  
Q And lived in that county and Lamar nearly all your life? A Yes I lived in that state until I moved to Oklahoma.  
Q What is your father's name? A C.C. Brownlee.  
Q Is he living? A No sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Sidney C. Brownlee.  
Q She has been here has she not and made application? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A I guess it is one - sixteenth. That is what I have always been taught.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir, not unless she was enrolled here.  
Q When and where were your father and mother married? A They was married in Missouri.  
Q What place in Missouri? A Stockton, I think.  
Q Do you remember the date of their marriage? A No sir, I don't.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Ethel B. Brownlee.  
Q Is she living? A Yes sir.  
Q Is she a white woman? A Yes sir.  
Q Do you make any claim for her? A No sir.  
Q Have you any children? A Yes sir.  
Q Under twenty one years of age and unmarried? A Yes sir.  
Q Do you want to make application for them? A Yes sir.  
Q What is the name of the eldest? A Hugh B. Brownlee.  
Q How old is Hugh? A Hugh will be nine years old the 2nd day of next July.



James F. Brownlee-----2.

- Q He is eight now, is he? A Yes sir.  
Q What is the name of the next one? A Port H.  
Q How old is he? A He is four years old.  
Q The next one? A Clara V.  
Q How old is she? A She is two.  
Q Is that all? A Yes sir.  
Q You claim for yourself and these three children? A Yes sir.  
Q Is Ethol B. Brownlee the mother of these three children? A Yes sir.  
Q And you are the father? A Yes sir.  
Q When and where were you married to your wife? A I was married to her in Jones county.  
Q What state? A Texas.  
Q When were you married to her? A I were married to her in 1892, the 19th day of June.  
Q By a minister and under license? A Yes sir.  
Q Do you think you can produce the proof of that marriage if given reasonable time? A Yes sir, I can get the marriage certificate.

You will be allowed a reasonable time to do so.

- Q Was she ever married before she married you? A No sir.  
Q Were you ever married before you married her? A No sir.  
Q Is your name or the name of your oldest child on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of, no sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself or your oldest son? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your son Hugh to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.  
Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q This is the first application for yourself or any of your children that you have ever made for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities? A Yes sir.  
Q Do you come before this Commission now for the purpose of being identified and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.  
Q Do you understand article fourteen of that treaty? A What I understand is that it provides for lands to be traded in Mississippi for lands here; that is the way I understand it.  
Q Under that treaty it was provided that that land which belonged to the Choctaws down in Mississippi and Alabama should be ceded to the government and that the Indians should remove to the Choctaw Nation in Indian Territory and take land there which they should own in common? A That is what I understand that treaty was made between the United States government and the Choctaw Indians living in Mississippi and Alabama in the old Choctaw Nation, on the 27th day of September, 1830; it

was afterwards ratified on the 24th day of February, 1831; The treaty was made for the especial purpose of removing all of the Choctaw Indians who lived in Mississippi and Alabama, from that old Choctaw Nation to the Choctaw Nation, Indian Territory, but before it was signed, it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the article under which you are making your claim now for yourself and children---Do you know whether any of your ancestors ever complied or attempted to comply with any of the provisions of that article of that treaty? A A No sir, I don't think they ever did.

Q You understand that article, do you not? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Sydney Pugh, this is what I think. This Indian blood, we have always known it existed but I don't know but very little about it.

Q What relation was Sydney Pugh to you? A Sydney Pugh was a full blood or claimed to be was my understanding, and that would run it back about the fourth generation.

Q What relation was he to you? A Great great grandmother.

Q Was Sydney Pugh a woman? A Yes sir.

Q And she was your great great grandmother? A Yes sir.

Q You say you have always understood she was a full blood Choctaw Indian? A Yes sir.

Q What makes you understand that? A That has been taught in the family always.

Q Who told you that she was? A My mother and it has been taught in the family.

Q Did she ever live in Mississippi? A I don't know.

Q Or in Alabama? A I don't know where she lived.

Q Do you know whether she was living in the old Choctaw Nation in Mississippi and Alabama and had a family there in 1830? A No sir, I don't know where she lived.

Q You claim through your mother? A Yes sir.

Q What was her maiden name? A Lamberton.

Q She claimed through which parent? A I don't know.

James F. Brownlee-----4.

- Q What was her father's name? A Yes, it was her father.
- Q What was his name? A Lambertson.
- Q What was his full name? A Christopher I. Lambertson
- Q Did he live in Mississippi or Alabama in 1830 or at any other time? A I don't know where he came from to Missouri--it strikes me that it was from Mississippi,---well, I don't know.
- Q He claimed through which parent, father or mother? A I can't know, I couldn't swear.
- Q Where does Sydney Pugh come in--I am trying to trace back to her? A I don't know anything further back than that.
- Q You can't give the line back to Sydney Pugh? A No sir, because I don't know the link in there; my mother might know, but I don't.
- Q You simply know that you had an ancestor Sudney Pugh, who was your great great grandmother, and whom you heard was a full blood Choctaw? A Yes sir.
- Q Are you able to swear whether or not your ancestors between you and your great great grandmother, Sydney Pugh, ever lived in Mississippi? A No sir, I am not able to swear to that.
- Q Do you know whether she or any of your ancestors who were her descendants understood or spoke the Choctaw language or had a Choctaw Indian name? A No sir, I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I heard of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of, no sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama, that is from the old Choctaw Nation, to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama as beneficiaries under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them own or claim any land or receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I ever heard of.
- Q Did any of your Choctaw ancestors claim any rights or benefits or privileges as Choctaw Indians under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A No sir, I never heard of her, or any of our ancestors getting anything out of the Choctaw claim.

According to the provisions of article fourteen of the treaty of 1830, the Indians who stayed back there in Mississippi after the treaty of 1830 was ratified refusing to go to the Choctaw Nation with the other Indians, if they wanted to take advantage of the provisions of article fourteen of that treaty were obliged to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty of 1830 and declare to him their intention of remaining in Mississippi, taking land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put down upon his list or any list

James F. Brownlee-----5.

made by him, so that the only list made by him called Ward's Register, contains the names of only seventy one heads of families. Colonel Ward made three lists, one of which was partly authoritative identified by him; another was not signed by him, and still another was a collection of a few names that he was unable to say actually appeared before him. He claimed to have made a complete list in book form which he had sent to the Secretary of war. He so stated in his testimony before the Mississippi Legislature, but that list was a meager one and was not in book form, but was a collection of paper pages pinned together. His neglect to make a complete list of the names of all Choctaw Indians who appeared before him under article fourteen of that treaty of 1830 caused a great many Indians who held land in Mississippi and Alabama upon which they had improvements to lose both the land and improvements they had upon that land. Both were sold by the government. This caused a great many complaints among the Choctaw Indians so that in 1837 Congress appointed a Commission by an act approved March 3 of that year which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose and this Commission also heard claims under article fourteen of the treaty of 1830.

Q Did you ever hear that any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits under that article of that treaty? A No sir, I never heard anything of it.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also appeared that he had previously had land in Mississippi which the government had taken from him and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors receive any such scrip as Choctaw Indians from the government? A Not that I know of.

Q You have stated that Sidney C. Brownlee was your mother and that she appeared before the Commission for identification as a Mississippi Choctaw? A She is my mother and it is my understanding that she appeared.

The name of Sidney C. Brownlee, the mother of this applicant appears upon M.C.R.-4166.

Q Have you had any other relatives who have appeared here besides your mother? A My sister.

Q What is her name? A Jennie Bills.

Q Is that all? A All that I knew of.

Q Do you want to have the testimony given in those cases considered with yours in order that you may get the benefits of their testimony? A Yes sir.

James F. Brownlee -----8.

Q Have you any proof of any sort you want to introduce now or any witnesses you wish to call? A No sir.

Q Do you know of anybody whose testimony you might consider to be material in this case whose deposition you want to take? A Not right now, no sir.

Q If you should desire to call witnesses or to furnish the depositions of witnesses within a reasonable time, that time will be allowed you.

Q Have you any documentary evidence you want to present now? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Black eyes, medium fair complexion, brown hair. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 12th day of December, 1901.

*Wm Mitchell Wood*

Notary Public.

Muskogee, Indian Territory, July 15, 1908.

James F. Brownlee,  
Lawton, Oklahoma.

Dear Sir:

You are hereby advised that on the 15th day of July 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mrs. Sidney C. Brownlee, et al., embracing the following applications for identification as Mississippi Choctaws:

Mrs. Sidney C. Brownlee,	M C R 4166
Jennie Bills,	" 4167
James F. Brownlee, et al.,	" 4306

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stat., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

J F B #2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mrs. Sidney C. Brownlee, Jennie Ellis, James F. Brownlee, Hugh E. Brownlee, Fort H. Brownlee and Clara V. Brownlee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

W. H. H. H.

Registered.

Acting Chairman.

W. H. 019

COMMISSIONERS:

HENRY L. DAWES,  
TAMM SIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4305.

ALLISON L. AYLESWORTH,  
SECRETARY.

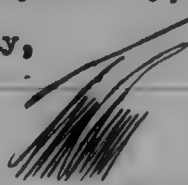
ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, August 23, 1902.

James F. Brownlee,  
Lawton, Oklahoma.

Dear Sir:

You are hereby advised that on the 15th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sidney C. Brownlee, et al., of which decision you were advised by registered mail on the 15th day of July, 1902.

Yours truly,



Acting Chairman.



AND TO THE PUBLIC AND THE

RELEASED

OCT 1902

ACTING CHAIRMAN.

5087

2

Department of the Interior.

Commissioner to the Five Civilized Tribes,

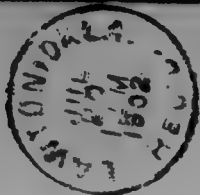
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



James F. Brownlee  
~~Lawton~~  
Oklahoma



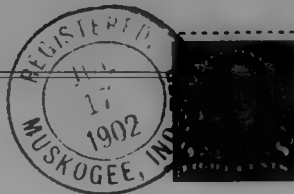
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



James F. Brownlee,

Lawton,

Oklahoma.

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243

## For Identification as a Mississippi Choctaw.

Date

DEC 9 . 1901

Name *James F. Brownlee*Age *35.*Blood *1/16*Post Office, *Lawton, Okla.*Father: *C. C. Brownlee, Jr.*Mother: *Sidney C. Brownlee, Jr.*Claims through mother,  
wife, *Ethel B. Brownlee, Jr. (iv.)*

No claim for wife.

## Children:

*Hugh E. Brownlee, Jr.**Port Hc. " 4**Clara V. " 2*Claims for self and  
children.

Choctaw MCR 4306

Harriet Gambols

See MCR 4839

MCR 4306

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 9, 1901.

4306.

In the matter of the application of Harriet Gambols for the identification of herself and seven minor children,, Charles W., Robert H., Richard R., William N., Cenie R., Altie M., and Delia Gambols, as Mississippi Choctaws.

---Not represented by attorney---

Harriet Gambols, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Harriet Gambols.
- Q What is your age? A Forty three.
- Q What is your post office address? A Milton, Indian Territory.
- Q How long have you lived there? A I don't live in Milton.
- Q How long have you been living near there? A I have been living near there eight years.
- Q Where did you live before that? A Franklin county is where I came from.
- Q Where were you born? A I was born in Arkansas, Conway county .
- Q How long did you live there? A I don't know, I was so small when I came away from there.
- Q You were a small child when you left where? A Franklin county,--I mean I was small when I came there from Conway county.
- Q In what state? A Arkansas
- Q How long did you live in Franklin county? A Fourteen or fifteen years, I don't know exactly how long.
- Q And from there you went where? A I came to the nation.
- Q And have lived here about eight years? A Yes sir.
- Q What is your father's name? A William Long--He died in Franklin county, before he got to the nation.
- Q Is your mother dead? A Yes sir, she died when I was little.
- Q What was her name? A Her name was Mahala Long---She was a Cupp before she married.
- Q You claim your Choctaw blood through which parent? A Through my father.
- Q How much Choctaw blood do you claim? A Three quarters.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir, he died before he got to the territory.
- Q He never came to the Choctaw Nation, did he? A No sir, he was born and raised in North Carolina and from there he went to Mississippi and died in Franklin county on his way to the Choctaw Nation.
- Q Where were your father and mother married? A They was married in Mississippi.
- Q Do you remember the place in Mississippi where they were married? A No sir.
- Q Do you remember the date of their marriage? A I think it is on the record.
- Q You have not that with you? A Yes sir.

Q Do you think you can introduce evidence of their marriage if given reasonable time? A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A William Gambols.

Q Is he a white man? A Yes sir.

Q He is not an Indian? A No sir.

Q Is he living? A Yes sir, he is living.

Q You said a little while ago that you claimed your Choctaw blood through your father? A Yes sir.

Q Do you claim anything through your mother? A She was a white woman I reckon as far as I know.

Q Do you claim any Indian blood through her? A No sir.

Q You said you claimed three quarters Indian blood--how do you get three quarters if you claim through your father--If he was a full blood, you would only have one half? A My grandpa was a half breed.

Q You only claim through your father and he was a full blood, you would only have one half--Was your father a full blood Indian? A No sir, he was not a full blood.

Q How much Choctaw blood did your father have? A His father was a half breed.

Q What was his father's name? A John Long.

Q That is your grandfather on your father's side? A Yes sir.

Q And you say he had how much Choctaw blood? A One half.

Q And William his son would be one half of that? A Yes sir.

Q Do you know how much one half of one half is? A No sir.

Q That would be one quarter; now if John Long had one half Choctaw blood and he was your grandfather, then your father would be one half of that, and he would have one half of what your father had, wouldn't you? A Yes sir.

Q One half of that would be one eighth? A Yes sir.

Q You get one eighth if you claim right down from your grandfather through your father and to you---Do you know whether John Long's wife had any Choctaw blood? A No sir, I don't.

Q The only Choctaw blood is right from John Long--none on the other side at all? A No sir.

Q Do you want to change your testimony to one eighth? A Yes sir, I reckon I would have to.

Q Do you make any claim as a Choctaw Indian for your husband? A No sir, he is not no Choctaw; he is a white man.

Q Have you any children you want to make application for under twenty one years of age and unmarried? A Yes sir.

Q What are their names? A Charlie W.

Q How old is he? A Seventeen.

Q What is the name of the next? A Robert H.

Q How old is he? A Fifteen.

Q Next? A Richard R.

Q How old is he? A Thirteen.

Q What is the name of the next? A William N.

Q How old is William? A Nine.

Q What is the next child? A Cenie R.

Q How old is he? A Seven.

Q Next? A Altie M.

Q How old is Altie? A Three years.

Q Next? A Delia.

Q How old? A Two months.

Q That is all? A Yes sir.



Harriet Gambols-----3.

- Q Cenie is a girl? A Yes sir.  
Q And Altie M. is a girl? A Yes sir.  
Q And Delia is a girl? A Yes sir.  
Q You claim for yourself and children, do you? A Yes sir.  
Q Is William Gambols the father of these children? A Yes sir.  
Q Was he ever married before he married you? A No sir.  
Q You are the mother of all these children? A Yes sir.  
Q Were you ever married before you married him? A No sir.  
Q When and where were you married to your husband? A Franklin county, Arkansas.  
Q What day of the month and year? A 8th day of January, 1882.  
Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory?  
A No sir.  
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir, not only just trying to find out.  
Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I want to get on the rolls or register or something to get my claim fixed up.  
Q You come here to be identified and for the identification of these children? A Yes sir.  
Q Do you understand article fourteen of the treaty of 1830?  
A No sir.

The treaty of 1830 was a treaty that was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830, and this treaty was ratified on the 24th day of February 1831. The object of that treaty was to get all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to leave that old Choctaw Nation and go to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those people that stayed back there in the old Choctaw Nation, article fourteen was put into that treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. ~~xxx~~ Said

Harriet Gambols-----4.

reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your ancestors complied ~~in~~ with any of the provisions of that article of that treaty? A No sir.

Q You understand that article do you? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Long.

Q He is your father's father? A Yes sir.

Q He claimed to have how much Choctaw blood? A He was one half.

Q Do you know whether John Long claimed through his father or mother? A No sir, I don't know which side.

Q Did you know John Long's father's name? A No sir.

Q Did you know his mother's name? A No sir.

Q Did John Long ever live in Mississippi or Alabama. A He was born and raised in North Carolina and lived there until he died

Q He never lived in Mississippi? A No sir.

Q Did your father William Long ever live in Mississippi?

A Yes sir, he was married in Mississippi.

Q Was he born in Mississippi? A No sir, he was born in North Carolina and went to Mississippi.

Q When did he go to Mississippi? A I don't know.

Q Do you know when he was married in Mississippi? A No sir.

Q You cannot tell between what dates your father lived in the state of Mississippi? A No sir.

Q Did he die in Mississippi? A He died in Franklin county.

Q What state? A Arkansas.

Q John Long, your father's father, through whom you claim your Choctaw blood, you say never lived in Mississippi or Alabama.

A I can't tell you whether he did or not. I know he lived in North Carolina and was raised in North Carolina; I don't remember ever hearing my father say that he lived in the state of Mississippi.

Q I understood you to say that he died in North Carolina, John Long? A He did die in North Carolina.

Q You never heard he went to Mississippi or Alabama---do you know anything about it at all? A He died in North Carolina.

Q Do you know whether he ever went to the state of Mississippi or the state of Alabama and lived in either of those two states at any time in his life? A No, I don't

Q Where did your father William Long die? A He died in Franklin county Arkansas ---It is on that book.

Q Do you remember the date of his death? A Yes sir, he died the 23rd day of March.

Q What year? In 1885 as the record states there? A He died the 23rd day of March, 16 years ago.

Q Just look at that record, can you read--It says 1885, is that right? A No sir, it is sixteen years ago the 23rd day of this next March.

Harriet Gambols-----5.

Q This is your family bible? A Yes sir, this is my family bible.

Q This record in your family bible of deaths states that William Long departed from this life March 21, 1885, is that right? A Yes, I reckon it is.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, between 1833 and 1838 or 1840? A I don't know whether he did or not.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A A I don't know of none only my pa, he owned land but I don't know whether he bought it or how.

Q You don't know whether he got it from the government or not? A No sir.

Q Where was that land located? A In Mississippi.

Q What part of Mississippi? A I can't say, it has been so long.

Q Do you remember how much land there was? A There was sixty some odd acres of cleared land.

Q This family record that you have introduced here says that William Long and Mahala Long were married October 12, 1839, is this record right? A I reckon it is, yes sir.

Q Therefore your father was married in 1839? A Yes sir?

Q Did any of your Choctaw ancestors claim any land or any benefits of any kind or receive any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

Q Did any of your Choctaw ancestors claim any benefits or rights under any other treaty made between the government of the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

The members of the Choctaw tribe of Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent within six months from the ratification of that treaty, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Indians did this whose names the agent failed to take and place upon his list known as Ward's Register. The neglect of the United States Indian Agent to thus record the names of most of the people who were Choctaw Indians and who came to him within the time limited under the provisions of article fourteen of the treaty of 1830 caused a great many Indians who had land in Mississippi to lose both their land and improvements--both were taken from them by the government. This caused so many complaints among the Choctaw Indians that in 1837, Congress appointed a Commission, and this Commission went to

Harriet Gambols-----6.

the state of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek or the treaty of 1830. In 1842, another Commission was appointed by Congress for the same purpose, and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty? A I don't know.

Q You never heard they did? A No sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty, if it also appeared that he had had his land taken from him by the government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know, I never did hear.

Q Have you any documentary evidence you want to present now?

AA No sir.

Q Have you any witnesses you want to call now in support of this claim? A No sir.

Q Have you any relatives who have appeared here to be identified as Mississippi Choctaws before your appearance? A No sir.

Q Do you want to make any suggestion or any request in reference to having witnesses brought before the Commission later on to testify in your case or in regard to taking depositions of witnesses? A I don't know.

Reasonable time will be allowed this applicant in which to furnish testimony of witnesses taken in the form of depositions or to hear the testimony of witnesses who are produced before the Commission.

Q Do you understand or speak Choctaw? A No sir, I don't.

Q Do you know whether John Long either spoke the Choctaw language or whether he had a Choctaw Indian name? A No sir, I don't know whether he spoke the language or not; I never did see him.

This applicant has the appearance and physical characteristics of being descended from white parentage, except that her complexion is dark, her eyes dark brown and hair is black and straight. Her hair looks like the hair of an Indian and her eyes and complexion indicate that she probably has the quantity of Indian blood which she claims, one eighth. Her daughter, Ida Aery who appeared at this time before the Commission to be identified as a Mississippi Choctaw, is darker than her mother, and this applicant's son, Richard R., thirteen years old, who was also at this time present before the Commission, has the complexion, the eyes and the

Harriet Gambols-----7..

hair of one having more Indian blood than is claim for him, which would be one sixteenth. The Commission has seen many half blood Indians who show their Indian blood less than him. This applicant does not understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 13th day of December, 1901.

*Wm. H. Hall*

Notary Public.

M.C.R. 4306.

Muskogee, Indian Territory, July 24, 1902.

Harriet Gambels,

Milton, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Mahala Clowers, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Mahala Clowers,	M.C.R. 4839
Deck C. Clowers, et al.,	" 4840
Harriet Gambels, et al.,	" 4306
Ida Aery,	" 4307

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Mahala Clowers, Deck C. Clowers, Clara Ulas Clowers, Harriet Gambels, Charlie W. Gambels, Robert M. Gambels, Richard R. Gambels, William H. Gambels, Ouida R. Gambels, Altie M. Gambels, Della Gambels and Ida Aery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered,

COPY.

Muskogee, Indian Territory, September 5, 1902.

Harriet Gambols,

Milton, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Mahala Clowers, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

(SIGNED)

*Samuel D. Lacey.*

Acting Chairman.



Muskogee, Indian Territory, September 18, 1902.

Harriett Gambel,

Wilton, Indian Territory,

Dear Madam:

Receipt is heroby acknowledged of your letter of September 15, in which you state that you are dissatisfied with the decision of the Commission the applications for identification as Mississippi Choctaws of Kliza M. Clowers, et al., and the action of the Secretary of the Interior in affirming the said decision of the Commission. You also ask what proof you should have submitted in order to have established your claims as such Mississippi Choctaws.

In reply to your letter you are advised that it appears from our records that at the time you applied for the identification of yourself and your minor children as Mississippi Choctaws, you based your claim on the provisions of the fourteenth article of the treaty of 1830. This article was read and explained to you and you were asked if you understood it, and you replied that you did.

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830 and who complied or attempted to comply with the provisions

of article fourteen of the treaty of 1830 above referred to, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Interior Department, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those

'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary for the applicants to show that the least remote of their ancestors who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen of the treaty of 1830. This, you and the other applicants in the consolidated case of Eliza M. Clower have entirely failed to do, and the Commission is therefore without authority to identify you as Mississippi Choctaws, and has so decided and the decision of the Commission has been affirmed by the Secretary of the Interior.

Yours truly,

Acting Chairman.

Miss. Choctaw R4306

Muskogee, Indian Territory, October 28, 1902.

Harriet Gamble,

Milton, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 23, asking what kind of evidence you need to establish your claim as a Mississippi Choctaw, and wherein you failed to furnish the necessary proof, and you say that you will then use every effort to procure the same.

In reply to your letter you are informed that the Commission having rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, on July 24, 1902, and the Secretary of the Interior having affirmed the said decision refusing your application, on August 25, 1902, the Commission considers this case closed.

Respectfully,

Commissioner in Charge.

## For Identification as a Mississippi Choctaw

Date

DEC 9 1901

Name

Harriet Gambols.

Age

43

Blood

~~7/8~~ 1/8

Post Office,

Milton, S. I.

Father:

William Long,

Mother:

Mahala " (w.)

Claims through

husband father —

William Gambols, w.

No claim for husband

Children:

Charlie W. Gambols,

Robert H. "

Richard R. " 13

William W. " 9

Cennie R. " F 7

Attie M. " F 3

Velia " F 2 m

Claims for self and children

Stenographer

H. C. Ricker

Choctaw MCR 4307

Ida Aery

See MCR 4839

MCR 4307

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Muskogee, I. T., December 9, 1901.

In the matter of the application of Ida Aery for identification as a Mississippi Choctaw.

---Not represented by attorney---

Ida Aery, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Ida Aery.  
 Q What is your age? A Nineteen.  
 Q Are you married? A Yes sir.  
 Q What is your post office address? A Milton, Indian Territory.  
 Q Where were you born? A Born in Arkansas, Franklin county.  
 Q How long did you live in that county? A Lived there about eleven years.  
 Q And then you went from there where? A To the Nation.  
 Q And have lived there since? A Yes sir.  
 Q What is your father's name? A William Gambols.  
 Q Is he living? A Yes sir.  
 Q What is your mother's name? A Harriet Gambols.  
 Q She is living? A Yes sir.  
 Q Has she just appeared for identification before the Commission on this date? A Yes sir.  
 Q You claim through your mother, do you? A Yes sir.  
 Q How much Choctaw blood do you claim? A One sixteenth--my mother is one eighth.  
 Q How do you know she has one eighth Choctaw blood? A I don't know.  
 Q Has your mother ever been recognized or enrolled in any way as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A I don't know.  
 Q When and where were your father and mother married? A Franklin county, Arkansas.  
 Q Do you remember the date? A No sir.  
 Q Are you married? A Yes sir.  
 Q What is your husband's name? A Jim Aery.  
 Q He is living? A Yes sir.  
 Q Is he a white man or an Indian? A He is a white man.  
 Q Do you make any claim for him? A No sir.  
 Q Have you any children? A No sir, I have many one.  
 Q You claim just for yourself do you? A Yes sir.  
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I couldn't tell you.  
 Q Don't you know whether the Indians have ever put your name on their rolls? A No sir, I don't.  
 Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.  
 Q Have you ever been admitted as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
 Q Do you now come before this Commission for the purpose of being

Ida Aery.-----2.

identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi and was made for the purpose of the removal of all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that old Nation to the Choctaw Nation Indian Territory. Before this treaty was signed, it became known that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests and preserve their rights article fourteen was put into that treaty. Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply with any of the provisions of that article of that treaty? A No sir, I don't know.

Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A John Long.

Q Who was John Long? A I don't know.

Q Didn't you ever hear of him? A Yes I have heard of him.

Q Well, who was he? A I don't know.

Q You heard your mother testify that he was her grandfather--Don't you know that? A Yes sir.

Q Well you said now you don't know who he was? A Well, you kept asking it.

Q Who was he? A My step grandfather.

Q He was your mother's grandfather, and wouldn't he be your great grandfather? A Yes sir.

Q When you don't mean step grandfather? A No sir.

Q Are you sure he was your great grandfather? A Yes sir.

Q How much Choctaw blood did he have? A About half.

Q How do you know he had that? A I have heard them say.

Q When have you heard say so? A Why, me and the other ones.

Q What was his son's name? A William Long.

Q How much Choctaw blood did he have? A One quarter.

Q Through whom do you claim? A My mother.

Ida Aery-----3.

Q And William Long was her father? A Yes sir, and my grandfather.

Q Did John Long or his son William Long live in Mississippi or Alabama in 1830 or did they have families there at that time?

A I couldn't tell you whether they had families or not.

Q Could you tell whether they lived in Mississippi or Alabama?

A No, I couldn't tell you only what my mother said.

Q Your mother said that she could not tell whether your great grandfather ever lived there or not---Do you know anything about that? A No sir.

Q You have heard your mother testify a little while ago? A Yes sir.

Q And she said her father William Long lived in Mississippi?

A Yes sir.

Q And you don't know anything more about it than she says? A No sir.

Q Did your great grandfather have an Indian name? A I couldn't tell you.

Q Did he speak the Choctaw language? A I never did hear him.

Q Did your grandfather have any Indian name or speak the Choctaw language? A I couldn't tell you.

Q How old would John Long be if he were living now? A I couldn't tell you.

Q Where was he born? A I couldn't tell you.

Q When was he born? A I couldn't tell you.

Q When and where did he die? A I couldn't tell you that.

Q When and where was your grandfather William Long born?

A I don't know.

Q When and where did he die? A He died in Franklin county, Arkansas.

Q How old would William Long be if living now? A I couldn't tell you.

Q How old is your mother? A Forty three.

Q And born where? A She was born in Franklin county.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that date?

A No sir, I don't reckon they did.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent that they wanted to stay in Mississippi, and become citizens of the United States? A No sir.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A No sir, I don't reckon they did.

Q Did any of the your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama? A No sir.

Q Did any of your Choctaw ancestors claim any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.

Those Indians who stayed in Mississippi after the treaty of 1830 was ratified in order to take advantage of the provisions of article fourteen of that treaty were obliged to go to the United States Indian Agent and tell him they wanted



Ida Aery-----4.

to stay in Mississippi, take land there and become citizens of the states, and this they were obliged to do within six months after the ratification of the treaty. A great many Indians did this who failed to get their names placed upon Ward's Register. He neglected to put the names of most of the Indians who came before him, on that register. This neglect of his in this matter caused a great many Indians who held land in Mississippi or Alabama to lose both their land and improvements---both were taken from them and sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians, especially those that lost their land, that Congress appointed a Commission in 1837, which Commission went to the state of Mississippi and heard claimants under article fourteen of that treaty and made a list of their names. In 1842, Congress appointed another Commission for the same purpose and this Commission also went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of that treaty? A No sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also appeared that he had previously had his land taken from him by the government and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the government? A No sir.

Q Your mother Harriet Gambols has appeared for identification today? A Yes sir.

Q Any other relatives of yours ever been here? A No sir.

Q Have you any evidence you want to introduce or any testimony you want to offer? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Reasonable time will be allowed this applicant in which to offer further proof or evidence in support of this application if she desired to do so.

This applicant has the appearance and physical characteristics of being descended from white parentage, except that she has dark complexion, dark eyes and dark hair; the same description would apply to her which applies to her mother, Harriet Gambols, N.C.R.-4506. She does not understand or speak the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause

on the 7th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H. P. Steen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 13th day of December, 1901.

*Wm. H. Smith*

Notary Public.

RECEIVED  
DEC 13 1901  
MUSKOGEE  
INDIAN TERRITORY

Muskogee, Indian Territory, July 24, 1902.

Ida Aery,

Wilton, Indian Territory.

Dear Madam:-

You are hereby advised that on the 24th, day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Mahala Glowers, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Mahala Glowers,	H C R 4339
Deek C. Glowers, et al.,	" 4840
Harriet Gambels, et al.,	" 4306
Ida Aery,	" 4307

These applications were made under the provision of the act of Congress of June 20, 1896 (29 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Mahala Glowers, Deek C. Glowers, Clara Ulan Glowers, Harriet Gambels, Charlie W. Gambels, Robert M. Gambels, Richard R. Gambels, William H. Gambels, Genie E. Gambels, Altie W. Gambels, Della Gambels and Ida Aery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed as to what of such action as may be taken by him.

Yours truly,

(SIGNED)

*T. B. Needles.*

Registered,

Commissioner in Charge

COPY.

Muskogee, Indian Territory, September 5, 1902.

Ida Aery,

Milton, Indian Territory.

Dear Madam:

You are hereby advised that on the 25th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elisa Mahala Clowers, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

(SIGNED).

*James Hixby*

Acting Chairman.

No. 4807

For Identification as a Mississippi Choctaw.

Date

DEC. 9, 1901

Name Ida Aery

Age 19

Blood 1/16

Post Office, Milton, I.T.

Father; William Gambols, C.

Mother; Harriet " L.

Claims through ~~husband~~ mother.

Jim Aery, C. W.

No claim for husband

Children:

Claims for self  
alone.

Choctaw MCR 4308

Jim Jopling

MCR 4308

**DEPARTMENT OF THE INTERIOR**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES**

**In the matter of the application of Jim Jopling et al.,**  
**for identification as Mississippi Choctaws, M.C.B. 4303.**

**List of papers forwarded to the Secretary of the Interior,**  
**comprising the report in the case of Jim**  
**Jopling et al.**

**(Page)**

**Original application of Jim Jopling et al. before the**  
**Bureau Commission for identification as Mississippi**  
**Choctaws ..... 1**

**Decision of the Commission regarding the application of**  
**Jim Jopling et al. for identification as Mississippi Choctaws.. 7**



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T., December 9, 1901.

4306.

In the matter of the application of Jim Jopling for the identification of himself and his minor son, James A. Jopling, as Mississippi Choctaws.

---Not represented by attorney---

Jim Jopling, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Jim Jopling.  
Q What is your age? A Fifty.  
Q What is your post office address? A Durant.  
Q Indian Territory? A Yes sir.  
Q How long have you lived in Durant? A I have only been there a short time.  
Q Where did you live before you lived in Durant? A I came from Texas over here this fall to the territory.  
Q Where were you born? A In Texas.  
Q And did you always live in Texas before you came to the territory? A No sir, I came here about eighteen years ago and lived here up until about six years ago and then I went back to Fort Worth, Texas.  
Q What is your father's name? A J. J. Jopling.  
Q Is he living? A No sir.  
Q Is your mother dead? A No sir.  
Q What is her name? A Julia D. Jopling.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A I claim about one-sixteenth.  
Q Were your father and mother married by a minister and under license? A They were married by a justice of the peace.  
Q Under license? A They were married in Arkansas when they did not have any license.  
Q Do you remember the date of their marriage? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Matilda.  
Q Is she living? A No sir, she is dead.  
Q She was a white woman? A She was one eighth Cheekie.  
Q Have you any children you want to make application for? A I have one boy.  
Q What is his name? A James A.  
Q How old is he? A He is fifteen.  
Q You make application for yourself and this boy? A Yes sir.  
Q Was Matilda the mother of this boy? A Yes sir.  
Q And you are the father? A Yes sir.  
Q When and where were you married to your wife? A In Texas, Eastland county.  
Q What date? A I don't remember the exact date--It was in '79 I think.  
Q Married by a minister and under license? A Yes sir.  
Q You cannot give the date of the month? A No sir.

Jim Jopling-----2.

Q Do you think you can produce evidence of your marriage with your wife if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

Q Was your wife ever married before she married you? A No sir.

Q Were you ever married before you married her? A No sir.

Q Is your name or the name of your son on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.

Q Did you ever make application for yourself or your son for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.

Q Did you ever make application for yourself or your son for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted with your son to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Is this the first application that you have ever made for enrollment as a Choctaw Indian for yourself and son either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A First I have ever made.

Q Do you now come before this Commission for the purpose of being identified and for the identification of your son as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A I don't know that I understand it thoroughly, no sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830, and it was ratified on the 24th day of February, 1831. The treaty was made for the purpose of the removal of all of the Choctaw Indians from the Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before it was signed, it became known that all of the Indians would not go to the Choctaw Nation, Indian Territory. They preferred to stay back in the old Choctaw Nation in Mississippi and Alabama. So, to protect their interests article fourteen was put into the treaty of 1830. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the

Jim Jopling-----3.

present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand the provisions of that article of that treaty?

A I don't understand it, but I think I understand it well enough.

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article as you understand it. A My grandfather was married to the best of my knowledge in Mississippi and went to Georgia, and when the treaty was made and the Choctaws left Mississippi to come here, he left Georgia to come here. He came to the Arkansas river and it was up and he couldn't cross, and he bought himself a place there. In a short time after he stopped there he died. My grandmother lived there a year or so and her son in law and one of her sons had gone down near Austin, Texas, and she moved into Bell County. Uncle Sam Chandler still stayed in Arkansas and went to the Mexican war and they later went to Texas.

Q Your grandfather lived in Georgia in 1830? A Yes sir.

Q What was his name? A Josiah Chandler.

Q Was he born in Georgia? A No sir, I think he was born in Mississippi.

Q When was he born in Mississippi? A I don't know.

Q When did he go from Mississippi to Georgia? A Well, I don't know exactly, but he had only been in Georgia a short time, I think.

Q What was the place of his birth? A I don't know, Carroll county, I think.

Q In Mississippi? A Yes sir.

Q Do you remember the date of his birth? A No sir.

Q Do you know how old he was when he went from Mississippi to Georgia? A No sir.

Q Did he live in Mississippi in 1830 and did he have a family there at that time? A No sir, he lived in Georgia.

Q Did you have any ancestor living in Mississippi in 1830? A He had a brother living there, I think.

Q Was Josiah Chandler's father or mother living in Mississippi in 1830? A I don't know.

Q Through whom did he claim? A His father.

Q His father's name was what? A William Chandler.

Q Did he live in Mississippi or Alabama in 1830? A I don't know where he lived.

Q Or where he died? A No sir, I don't know whether he was living at that time or not.

Q You have stated that when Josiah heard about the Indians going to the Choctaw Nation Indian Territory after the treaty was ratified, he started from Georgia to join them, but he didn't come to the territory? A No sir.

Q He never did come to the territory? A No sir.

Q Where did he die? A He died in Arkansas.

Q What place in Arkansas? A I couldn't tell you what place. I have heard grandma and me both tell the name of the place.

Q Did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory? A I had an uncle come here.

Q What was his name? A Hampton Chandler.

Q Where did he live when he came to the territory? A I don't know to the best of my knowledge it was about Deaksville.

Jim Jepling-----4.

Q Did Josiah Chandler have a Choctaw Indian name? A I don't know.

Q Did he speak the Choctaw language? A I don't know, I never did see him, and never heard my grandmother or mother say.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi and take land there? A My grandfather came from Georgia to Arkansas and bought a place there.

Q He was not in Mississippi in 1830 or 1831? A No sir.

Q Did you ever hear that he went to Colonel Ward and had any talk with him before he started west? A No sir.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.

Q Did they own or claim any land under any other provisions or article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I never heard of it.

Q Did any of your Choctaw ancestors claim any rights or benefits or any land under any other treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir.

The Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified in order to take advantage of the provisions of article fourteen of that treaty were required to go to the United States Indian Agent, Colonel Ward within six months from the ratification of that treaty and tell him they wanted to stay in Mississippi and take land there and become citizens of the United States. In other words, they had to register their names with Colonel Ward under the provisions of that article of that treaty. A great many Indians did this whose names were not put upon the list known as Ward's Register. His neglect to put the names of all claimants who came before him under the provisions of that article of that treaty caused their lands to be taken away from a great many Indians in Mississippi, and both the land and improvements were sold by the government at its public land sales. This caused a great deal of distress and a great many complaints on the part of the Choctaw Indians and Congress because of these complaints appointed a Commission in 1837 by an act approved March 3 of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842, another Commission was appointed by Congress for the same purpose, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know whether any of your ancestors if Choctaw Indians went before either the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of the treaty of 1830? A Not that I know of.

Jim Jopling-----5.

- Q Did you ever hear that any of your ancestors received any scrip or a certificate from the government as Choctaw Indians entitling them to select land in Mississippi, Alabama, Louisiana or Arkansas, which were given to them because they approved their claims under article fourteen, and also had land which had been taken from them in Mississippi by the government? A No sir.
- Q Have you had any relatives who have come before this Commission to be identified as Mississippi Choctaws previous to your application? A None that I know of.
- Q Have you any witnesses that you wish to call now or any evidence of any kind that you want to introduce? A No sir, I have nothing.
- Q Anything more you want to say? A My grandmother spoke the Choctaw language; she was a quarter blood Choctaw Indian.
- Q What was her name? A Mary or Polly Chadler--grandfather always called her Polly.
- Q Her maiden name was what? A Mary Barnell.
- Q How much Choctaw blood did she have? A She was one quarter Choctaw---Her grandfather Bairnes had Choctaw blood, but I don't know how much.
- Q Did Mary live in Mississippi? A I think she was married to Josiah Chandler in Mississippi.
- Q You claim through your mother? A Yes sir.
- Q What was her maiden name? A Julia D. Chandler.
- Q And her mother's name was Mary? A Yes sir.
- Q Did she claim anything through her father H. Josiah Chandler? A Yes sir.
- Q How much Choctaw blood did she claim through her father? A He was a half breed to the best of my knowledge.
- Q If Josiah was one half and his wife Mary had one quarter, your mother would be three eighths and you would be three sixteenths. A I guess that is right.
- Q To the best of your knowledge, Josiah Chandler had one half Choctaw blood? A Yes sir.
- Q And to the best of your knowledge Mary, his wife had one quarter? A Yes sir.
- Q Then do you want to change your testimony as to the amount you have to three sixteenths? A Yes sir. I never counted it up.
- Q How do you know Josiah had one half Choctaw blood? A Only from what my mother and grandmother say.
- Q How do you know Mary his wife had Choctaw blood? A Just from what I have heard her say and others.
- Q Have you any knowledge of the Choctaw language yourself? A No sir, I don't talk it at all. Before I left here six years ago I could talk enough to make a trade with them, but to say to know the language, I do not.

This applicant has the appearance and physical characteristics of being descended from white parentage. Gray eyes, light complexion, brown hair and brown mustache sprinkled with gray. He does not understand the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. 15, having been first duly sworn, upon his oath states:

7th Page-----4.

I, the undersigned, do hereby certify that the foregoing is a full and correct transcript of the stenographic notes of the proceedings on said date.

*H. H. Hester*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 13th day of December, 1901.

*Charles Mitchell Wood*

Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*From  
S. J. W.*  
In the matter of the application of Jim Jopling et al.,  
for identification as Mississippi Choctaws, H.C.R. 4508.

-: DECISION :-

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Jim Jopling for himself and his minor child, James A. Jopling, under the following provision of the act of Congress approved June 25, 1895 (28 Stat. 495).

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William Chandler, or of one Bairnes, both of whom are alleged to have been possessed of Choctaw blood (degree thereof not stated).

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

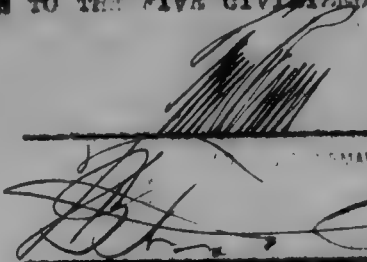
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Chandler or the said Bairnes, or a less remote ancestor of any of



the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 160) and August 27, 1842, (5 Stats., 813).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim Jopling and James A. Jopling as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
C. R. Bucknidge  
Commissioners.

McKagoo, Indian Territory,

JUL 16 1902

COPY.

M C R 4308

Muskogee, Indian Territory, July 16, 1902.

Jim Jopling,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 16th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Jopling, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim Jopling and James A. Jopling as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

J J 42

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED):

*Tamc Dixby.*  
Acting Chairman.

Registered.

COPY.

M C R 4308

Muskogee, Indian Territory, July 16, 1908.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of July 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Jopling, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provisions of the act of Congress of June 26, 1896 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim Jopling and James A. Jopling as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

**E M M & C 70**

**You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.**

**Yours truly,**

**(SIGNED)**

*James F. Fox.*

**Acting Chairman.**

COPY.

N O R 4300

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith the record in the case of Jim Jepling, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 16, 1902.

The Commission has the honor to report that the principal applicant herein, his attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*Tame Bixby.*

Acting Chairman.

Through the Commissioner

Of Indian Affairs.

1 enclosure.

C O P Y

Land

DEPARTMENT OF THE INTERIOR,

42736-1902.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Oct. 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made July 16, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes forwarding the record in the matter of the application of Jim Jopling for the identification of himself and minor child, James A., as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the treaty of 1830.

July 16, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from William Chandler and one Bairnes—first name not given. Mention is also made of Josiah Chandler, grandfather of Jim Jopling, but he lived in Georgia in 1830.

Neither the applicants nor his son are full-blood Choctaw Indians. An examination of the records of this office fails to show that either of the above named ancestors received a patent to land under the provisions of the fourteenth article of the treaty of 1830, or that they complied or attempted to comply with the provisions of said article; neither is it shown that they applied to the commissions appointed under the Acts of March 3, 1837 and August 25,

1842, for an adjudication of their rights.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications be affirmed.

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

RAY

2 inclosures.



D.C. 20002

C O P Y

REF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 6680-1902.

October 31, 1902.

SIR,

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

July 16, 1902, you transmitted the record in the matter of the application for identification of Jim Jopling and his minor child, James A. Jopling, as Mississippi Choctaws.

The applicants claim their rights by reason of being descendants of one William Chandler, or one Haines, both of whom are alleged to have been possessed of Choctaw blood.

The record fails to show that either of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said William Chandler or said Haines or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1857 (5 Stat., 139), and August 23, 1842 (5 Stat., 513).

You refused the application July 16, 1902. Forwarding the papers October 29, 1902, the Commissioner of Indian Affairs returns mends approval of your decision. A copy of his letter is inclosed.

-2-

The Department has thoroughly reviewed the entire record  
and hereby affirmed the decision rendered.

Respectfully,

E.A. Hitchcock.

Secretary.

1 inclosure.

ED.

Muskegee, Indian Territory, November 22, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 31st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jim Jopling, et al., of which decision you were advised by mail on the 16th day of July, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

116

COMMISSIONERS:

HENRY L. DAWES,  
TAMM EIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4306

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1902.

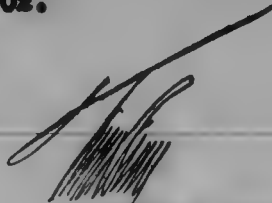
Jim Jopling,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 31st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jim Jopling, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,



Acting Chairman.

File 4208

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

DEC 19 1902

*[Handwritten signature]*  
AC



7-1-08

OF THE HISTORY,  
ADMISSION TO THE FIVE CIVILIZED TRIBES.

REC. 3 1902

*[Signature]*  
AC

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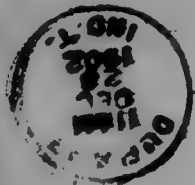
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Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



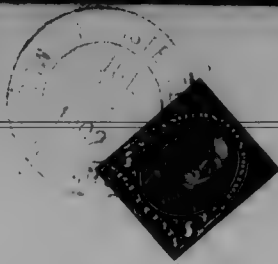
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Jim Jopling,

~~Durant, Indian Territory.~~

4308

1012





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Jim Jopling,~~

480

~~Durant,~~

~~Indian Territory.~~

No. 4308

For Identification as a Mississippi Choctaw.

Date

DEC 9 1901

Name *Jim Jopling,*

Age *50* — Blood *~~7/16~~ 3/16*

Post Office, *Albany, L.T.*

Father: *J. J. Jopling, d*

Mother: *Julia bl. " l*

Claims through *Mother*  
wife - *Matilda Jopling, 1/8 Cherokee Ind. (d)*

Children:

*James A. Jopling, 15.*

*Claims for self and son.*

Stenographer *H. C. Ristum*

Choctaw MCR 4309

Thomas S. Hollis

See MCR 4006

MCR 4309

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 9, 1901.

43 09.

In the matter of the application of Thomas H. Hollis for identification as a Mississippi Choctaw.

----Applicant represented by J.G. Ralls, attorney----

Thomas H. Hollis, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Thomas H. Hollis.  
Q What is your age? A Twenty six.  
Q What is your post office address? A Abilene, Texas.  
Q Where were you born? A I was born in Hasegedoches, Texas.  
Q How long did you live there? A I lived there until I was about four or five years old.  
Q And from there you went to where? A Kaufman county, Texas.  
Q And lived there how long? A About four or five years.  
Q And then you went where? A Jones county.  
Q And how long did you live there? A Out in that country has been my home the balance of my days.  
Q What is your father's name? A Thomas H. Hollis.  
Q Is he living? A No sir.  
Q What is your mother's name? A Katie----Mary C.L. Hollis.  
Q Is she living? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A I claim one thirty-second.  
Q Your mother has made a application for identification before this Commission, has she not? A Yes sir.  
Q When did she appear here? A It has been a few days back.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A No sir, not that I know of.  
Q Are you married? A No sir.  
Q You claim for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?  
A No sir.  
Q Have you ever made application to be enrolled as a member of the Choctaw tribe of Indians to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.  
Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw, claiming under article

Thomas H. Hollis-----2.

fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Not exactly no.

Q You understand that a treaty is an agreement or contract made between nations and an article is a sub-division of it?

A Yes sir.

The treaty of 1830 was made between the United States and the Choctaw Indians who lived in Mississippi and Alabama and the object of that treaty made at that time was to effect the removal of the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation in Indian Territory. They could not be removed without their consent, and as a nation they gave that consent by signing this treaty which was for their removal, but before the treaty was signed, which was on the 27th day of September, 1830, it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and therefore to protect their interests, some provision had to be made for them, and article fourteen was put into the treaty. Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectioned lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is article fourteen that was put into the treaty at that time, after which the treaty was signed and became ratified February 24, 1831, and under this treaty some of the Indians removed to the Indian Territory, and under this article of this treaty rights were given to those Indians who stayed back in that old Choctaw Nation.

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of this article as read and explained to you? A No sir, I don't know.

Q You understand that article now, do you not? A Yes, I think I do.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brader.

Q Did she live in Mississippi or Alabama at any time? A I think she did.

Q Do you know whether she lived there in the year 1830 and had a family there at that time, either in Mississippi or Alabama? A No I don't.

Thomas H. Hollis-----3.

- Q Where was she born? A I couldn't tell you.
- Q Where did she die? A I don't know.
- Q Did she have a Choctaw Indian name or have any other name except this, Elizabeth Brasher? A Not that I know of.
- Q When did she marry? A E. W. Dumas.
- Q Brasher was her maiden name? A Yes sir.
- Q Did she speak the Choctaw language? A I couldn't swear to that.
- Q How much Choctaw blood did she have? A I think she was a quarter.
- Q What relation was she to you? A My great grandmother.
- Q That would make you one-thirty-second? A Yes.
- Q Did she have a sister or sisters---can you name any of them? A No sir.
- Q Did you ever hear of Keniah Brasher or Keniah Thompson? A No sir.
- Q You claim through your mother, Mary C.L. Hollis? A Yes sir.
- Q Did she ever live in Mississippi or Alabama? A She lived in Mississippi I think.
- Q Was she born in Mississippi? A I couldn't swear whether she was or not.
- Q She claimed through which parent? A Her father.
- Q What was her father's name? A Lawrence W. Dumas.
- Q Did he ever live in Mississippi or Alabama? A He lived in Mississippi.
- Q Do you know when and where in Mississippi he lived? A No, I do not.
- Q Was he born there? A I couldn't say.
- Q Where did he die? A I don't know.
- Q What was his Choctaw ancestor's name, father or mother? A I couldn't tell you that.
- Q Was he the son of Elizabeth Dumas? A Yes sir.
- Q Are you sure about that? A Yes, son of Elizabeth Brasher.
- Q Did any of your Choctaw ancestors own any land or improvements on land in Mississippi or Alabama in 1830 in the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No, I don't know.
- Q Do you know whether any of your Choctaw ancestors went from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory between the years 1833 and 1838? A No.
- Q Did any of your Choctaw ancestors own any land claim any or any benefits whatever under article fourteen of the treaty of 1830? A No.
- Q You don't really know one way or the other, do you? A No sir.
- Q Then you would answer that question, that you don't know? A Yes sir, I don't know.
- Q Did any of your ancestors claim any benefits of any kind under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors claim any rights, benefits or privileges under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A Not that I know of.

Thomas H. Hollis-----4.

The Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, and register their names with him as Indians and members of the tribe who wanted to remain in Mississippi, take land there and become citizens of the United States. A great many Indians did that whose names Colonel Ward failed to place upon his list made by him known as Ward's Register. He should have registered every name, but failed to do so. In fact there were over seven thousand Indians stayed back there and of that number, Ward's list showed the names of only seventy one heads of families. His failure to make a correct list of claimants under that article caused a great many Indians who had land in Mississippi to have that land taken from them by the government and sold at the public land sales. This caused distress among the Indians and so many complaints that Congress in 1837 by an act approved March 3 of that year, appointed a Commission which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek, and made lists of the names of all who appeared before it. In 1842, another Commission was appointed by Congress by an act approved August 23 of that year, and this Commission also went to Mississippi and heard all claimants who appeared before it claiming under article fourteen of that treaty.

Q Did you ever hear that any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty? A No.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek and it also appeared that he had previously had his land taken from him by the government and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.

Q Can you give the names of any of your relatives who have appeared for identification before the Commission previous to this application made by you? A Yes, Dan Dumas, L. Belle Leska, Scott S. Dumas, Louis Dumas, Mallie Dumas, my sister Blanche M. Merchant and my mother Mary C. L. Hollis.

Q Others have appeared claimed through Elizabeth Brasher whose names you do not now recall? A Yes sir.

Q Do you want to have the testimony of relatives of yours who have appeared before the Commission to be identified as Mississippi Choctaws who claim through Elizabeth Brasher to be considered with your testimony in order that the testimony of each may be considered with the testimony of the other? A I do.

Q Do you speak or understand the Choctaw language? A I do not.

Thomas H. Hollis-----5.

Q Have you any documentary evidence that you wish to present or have you witnesses whom you wish to call in support of your application? A No.

Q Have you any suggestion or request to make in reference to the taking of depositions of witnesses in the near future? A I want the benefit of evidence given in before me.

Q In regard to the taking of depositions hereafter if you should desire to, do you want time? A No.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, medium dark complexion, brown hair. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 13th day of December, 1901.

*Walter M. Wood*

Notary Public.



COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

ALLISON L. AYLESWORTH,  
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4309.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Thomas S. Hollis,  
Abilene, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vie Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Multy Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Culhoun, Owen H. Culhoun, Edwin C. Culhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*James C. Dancy*

Chairman.

Registered.

COPY.

Mer 4309

Muskogee, Indian Territory, January 22, 1906.

Thomas S. Hollis,  
Abilene, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself as a Mississippi Choctaw is a part.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date DEC. 9 1901

Name Thomas A. Hollis

Age 26 Blood  $\frac{1}{32}$ 

Post Office, Abilene, Texas,

Father: Thomas H. Hollis, d.  
Mary C. L.Mother: ~~John~~ Hollis, l.

Claims through Mother

Children:

Claims for self  
alone.

Signed H. C. Reel

Choctaw MCR 4310

Lawrence W. Hollis

See MCR 4006

MCR 4310



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., December 9, 1901.

4310.

In the matter of the application of Lawrence W. Hollis for the identification of himself and his four minor children, Eva H., Lawrence W. (Jr), Beatrice M., and Scott W. Hollis, as Mississippi Choctaws.

---Applicant represented by H.G. Ralls, attorney----

Lawrence W. Hollis, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lawrence W. Hollis.  
Q What is your age? A Forty.  
Q What is your post office address? A Abilene, Texas.  
Q How long have you lived in Abilene? A Eight years in Abilene.  
Q Where were you born? A San Augustine, Texas.  
Q Have you always lived in Texas? A Yes sir.  
Q And from San Augustine you went where? A To Nacogdoches, and from there to Jones county and from there to Taylor county.  
Q What is your father's name? A Thomas H. Hollis.  
Q Is he living? A He is dead.  
Q What is your mother's name? A Mary C.L. Hollis.  
Q Is she living? A Yes sir.  
Q Has she been before this Commission to be identified as a Mississippi Choctaw? A Yes sir.  
Q You claim through your mother, do you? A Yes sir.  
Q How much Choctaw blood do you claim? A One thirty second.  
Q Has your mother ever been recognized as a Choctaw Indian or has she been enrolled as such by either the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir.  
Q Are you married? A I am.  
Q What is your wife's name? A Eva Hollis.  
Q Is she a Choctaw Indian? A She is not.  
Q She is a white woman? A Yes sir, she is a white woman.  
Q Is she living? A Yes sir.  
Q You make no claim for your wife then? A No sir.  
Q Have you any children you want to make application for? A Yes sir, I have four children.  
Q All under age and unmarried? A Yes sir.  
Q What is the name of the oldest? A Eva H.  
Q How old is she? A Seventeen years old this month.  
Q What is the name of the next child? A Lawrence W., Jr.  
Q How old is he? A Thirteen years old.  
Q What is the name of the next? A Beatrice M., age 9 years.  
Q What is the name of the next? A Scott W.  
Q How old is Scott? A Six years old.  
Q Is that all? A That is all.  
Q Is Eva Hollis the mother of these children? A Yes sir.  
Q You are the father? A Yes sir.  
Q You claim for yourself and these children? A Yes sir.  
Q When and where were you married to your wife? A I married in—

Lawrence W. Hollis-----2.

Abilene, Taylor county Texas, February 20, 1884.

Q By a minister and under license? A Yes sir.

Q Have you your marriage license and certificate with you now?

A I have not.

Q You can produce them latter in proof of this marriage? A Yes sir, I will send you a copy.

Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities for yourself and children? A No sir.

Q Have you ever made application for the enrollment of yourself and children as citizens of the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Is this the first application to be enrolled for yourself and children that you have ever made either to the Choctaw tribal authorities or the United States authorities? A Yes sir.

Q Do you come before this Commission for the purpose of identifying yourself and these children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I have read it, yes sir.

Q Would you like to have it explained further to you? A No sir, I think not, I have read it before you read it here.

Q And have heard it explained? A Yes sir.

The fourteenth article of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now? A Yes sir.

Q Did any of your ancestors comply or attempt to comply with the provisions of that article of that treaty to your knowledge? A To my personal knowledge I don't know, I only know from what I have

Lawrence W. Hollis-----3.

heard through my people.

Q What have you heard? A I have heard that my great grandmother and great grandfather applied and were refused. My great grandmother was Elizabeth Brasher.

Q When did she apply to? A To the government agent, Colonel Ward, I think.

Q Her husband's name was E. W. Dumas? A Yes sir.

Q He was a white man? A Yes sir.

Q But he went with her? A Yes sir.

Q Do you when Elizabeth Brasher made application to Colonel Ward for rights under article fourteen? A I have been informed about 1830 or 1831.

Q In Mississippi? A Yes sir.

Q The information in the family is that she was living in Mississippi at that time? A I am not sure of that.

Q Well, where was she living, if you know. A I inferred from what I heard that she lived in Mississippi or Alabama.

Q Do you know where Elizabeth Brasher was born? A I do not.

Q Do you know where she died? A I do not.

Q Do you know when she was born? A No.

Q Or when she died? A No.

Q Do you know whether she spoke the Choctaw language or had a Choctaw Indian name? A I do not.

Q You claim through your mother, Mary C.L. Hollis? A Yes sir.

Q Did she ever live in Mississippi? A She did.

Q Was she born in Mississippi? A She was.

Q And she is how old now? A My mother is fifty eight years ---I don't really know her age.

Q Through which parent did she claim her Choctaw blood? A She claimed through her father.

Q What was his name? A Lawrence W. Dugas

Q Did he live in Mississippi? A Yes sir. I have understood he once lived there.

Q Do you know at what time he lived there? A No sir, I don't.

Q Was he the son of Elizabeth Brasher? A Yes sir.

Q Did any of her children---this son or any other of her descendants live in Mississippi in 1830 and have a family there at that time?

A I couldn't answer that.

Q Did any of your Choctaw ancestors live in Mississippi in 1830 and own any improvements on land there at that time? A I don't know.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama with the other Indians between 1833 and 1836? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors claim any land or receive any under article fourteen of the treaty of 1830 in Mississippi?

A I don't know.

Q Did any of your Choctaw ancestors claim or receive any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

Lawrence W. Hollis----- 4.

Q Did you ever hear that any of your Choctaw ancestors received any benefits whatever or claimed any rights under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A No sir, not that I know of.

The Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under that treaty, were provided for in article fourteen of the treaty. In order to take advantage of the provisions of that article, it was necessary that they should under its provisions within six months from the ratification of that treaty make a declaration of intention to remain in Mississippi, take land there and become citizens of the United States. This they must do before the United States Indian Agent within that time. A great many Indians did so, but Colonel Ward who was the United States Indian Agent neglected to put their names down upon the list made by him, called Ward's Register, and as a result of his negligence in that respect, a great many Indians who made applications under article fourteen had their lands taken from them in Mississippi together with the improvements on the land. They were taken by the government and sold. This caused so many complaints that in 1837 Congress appointed a Commission which went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, Congress appointed another Commission for the same purpose, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know if any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed benefits under article fourteen? A I do not.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also appeared that he had had land in Mississippi which the government had taken and sold, he would be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, which should be taken from vacant government land, and that a certificate entitling him to make this selection should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians for this purpose? A Not that I know of.

Q Will you give the names of a few of your relatives who have appeared before the Commission to be identified claiming through Elizabeth Brasher? A Mallie Dumas, Scott Dumas, Dan Dumas, L. Belle Leslie, Blanche Merchant and Malinda Blanks. I believe that is all I recall now.

Q There are others whose names you do not recall? A Yes sir.

Q They all claim through Elizabeth Brasher as a common ancestor? A Yes sir.

Q Do you want to have all the evidence in these cases considered

Lawrence W. Hollis-----5.

with yours in order that you may get the benefit of their testimony? A Yes sir.

Q Have you any documentary evidence you want to present now? A No sir.

Q Have you any requests to make in reference to producing other witnesses before the Commission or in taking the depositions of witnesses? A Other witnesses will appear here.

Q They will be claimants will they not? A There will be claimants and witnesses too.

If you desire to introduce witnesses hereafter or take depositions, you will be allowed a reasonable time to do so.

Q Do you speak or understand the Choctaw language? A No sir.

Q Is there anything further you would like to say that I have not asked you in reference to this claim? A No sir, I believe not; there is the testimony of some witnesses who have appeared here before that of course I would like to have the benefit of.

Q What are their names? A Jane Thompson and Tobias Edwards.

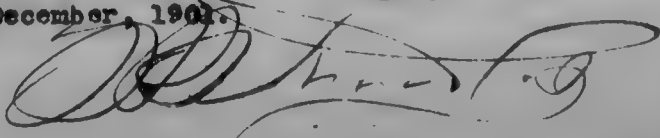
The testimony of these parties will be considered with your application where in the opinion of the Commission their testimony is of importance.

This applicant has the appearance and physical characteristics of being descended from white parentage. He claims one thirty-second Choctaw blood. Dark blue eyes, dark complexion, black hair and brown mustache. He does not speak the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 other than comes to him from the testimony of relatives who have appeared for identification as Mississippi Choctaws.

H.C. Risteen, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 9th day of December, 1901, and that the same and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 19th day of December, 1901.



Commissioner..

COMMISSIONERS  
JAMES BIXBY,  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE  
W. E. STANLEY.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

4310.

M. C. R.

ALLISON L. AYLESWORTH,  
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Lawrence W. Hollis,  
Abilene, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 4737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5657
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Naunie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4236
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725



Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Puge, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373



These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles L. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moira Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Amnon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenora W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Milinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas.

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James D. Dyer*

Chairman.

Registered.

COPY.

WCR4310

Muskogee, Indian Territory, January 22, 1906.

Lawrence W. Hollis,  
Abilene, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Commissioner.

Identification as a Mississippi Choctaw.

Date

DEC 9 . 1901

Name Lawrence W. Hollis

Age 40

Blood

1/82

Post Office, Abilene, Texas

Father: Thomas H. Hollis, d.

Mother: Mary C. L. Hollis, l.

Claims through mother's  
wife,

Eva Hollis, w. l.

No claim for wife.

Children:

Eva M. Hollis, 10

Lawrence W. " Jr. 10

Beatrice M. " 9

Scott W. " 6

Claims for self &

children

Stenographer

H. C. Reuben

Choctaw MCR 4311

William H. Hollis

See MCR 4006

MCR 4311

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 9, 1901.

4311.

In the matter of the application of William H. Hollis for the identification of himself and one minor child, William H. Hollis, Jr., as Mississippi Choctaws.

---Represented by J.G. Ralls, attorney---

William H. Hollis, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A William H. Hollis.  
Q What is your age? A Forty-two.  
Q What is your post office address? A Anson, Jones county, Texas.  
Q How long have you lived there? A I have been there ever since along about 1882 or 1883.  
Q Where were you born? A San Augustine, Texas.  
Q Have you always lived in Texas? A Yes sir.  
Q In what county have you lived the longest? A I expect in Jones county.  
Q How long have you lived in Jones county? A Sixteen or seventeen years.  
Q What is your father's name? A Thomas H. Hollis.  
Q Is he living? A No sir, he is dead.  
Q What is your mother's name? A Mary C.L. Hollis.  
Q She is now living and has appeared here for identification recently? A Yes sir.  
Q Do you claim your Choctaw blood through your mother? A Yes sir?  
Q How much Choctaw blood do you claim? A One thirty-second.  
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Lula M.  
Q She is a white woman? A Yes sir.  
Q You make no claim for her? A No sir.  
Q She is living? A Yes sir.  
Q Have you any children that you want to make application for?  
Q One.  
Q What is the name of that child? A William H. Hollis, Jr.  
Q How old is he? A Two years old.  
Q Is Lula M. Hollis the mother of William H. A Yes sir.  
Q Are you the father? A Yes sir.  
Q Was she ever married before she married you? A No sir.  
Q Were you ever married before you married her? A No sir.  
Q You claim for yourself and this child, do you? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.  
Q Have you ever made application for citizenship in the Choctaw

William H. Hollis-----2.

Nation to the Choctaw tribal authorities in Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before this Commission for the purpose of being identified and for the identification of this son as Mississippi Choctaws under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article of that treaty? A I never heard it read before a little while ago.

Q Do you want to have it explained further? A No sir.

Q Do you think you understand it well enough without further explanation? A Yes sir.

Article fourteen of the treaty of 1830 reads as follows:  
"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply in any way with the provisions of that article? A I don't know sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brasher who married E. W. Dumas.

Q Did she live in Mississippi or Alabama in 1830? A I don't know.

Q You don't know whether she had a family there at that time? A No sir.

Q Did she speak the Choctaw language or have an Indian name to your knowledge? A I don't know.

Q How old would she be if she were living now? A I couldn't tell you how old she would be.

Q You don't know when she died? A No sir.

Q Or when or where she was born? A No sir.

Q You don't know whether she was born in Mississippi or Alabama?

A No sir, I do not.

William H. Hallis-----3.

- Q You claim through your mother? A Yes sir.
- Q How old is she? A I think mother is fifty eight.
- Q Did she live in Mississippi? A I think she was born in Mississippi.
- Q Do you know how long she lived there? A No sir, I do not.
- Q Her father's name was what? A Lawrence W. Dumas.
- Q She claimed through him, did she? A Yes sir.
- Q Was he born in Mississippi? A I do not know.
- Q Do you know whether he lived in Mississippi? A Yes, I think he did.
- Q Do you know how long he lived there? A No sir, I do not.
- Q Was he living there in 1830 and was he married at that time? A I don't know whether he was or not at that time. I never saw him until about 1862 that I know of.
- Q His mother's name was what? A Elizabeth Dumas; her maiden name was Brasher.
- Q How old would your grandfather Dumas be if living now? A I couldn't tell you.
- Q Where did he die? A Magnolia, Texas on the Trinity river.
- Q In what state? A Texas.
- Q At what age? A I couldn't tell you.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of them go to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I do not know.
- Q Did any of your Choctaw ancestors own any land in Mississippi or claim any under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I do not know.

According to the provisions of article fourteen of the treaty of 1830, the Indians who took advantage of that article, preferring to remain in Mississippi and Alabama rather than go with the other Indians to the Choctaw Nation, in order to take advantage of that article were required to go to the United States Indian Agent within six months from the ratification of that treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States. Colonel Ward should have made a list of the names of all persons who did that, but he neglected to do so, the only list that he did make having his authority known as Ward's Register contains the names of only seventy one heads of families who made applications before him. There were at least seven thousand Indians who stayed back there in the old Choctaw Nation. His neglect and failure to make a full list of all Choctaws who came before him under that article of that treaty caused a great many Indians who had land in Mississippi, upon which they had improvements to lose both their lands and improvements upon it. Article fourteen



William H. Hollis-----4.

gave Indians a right to select land in Mississippi, provided they registered before Colonel Ward. Many and many did register but he failed to put their names on the list, and when the government officers found afterwards Indians upon land, and after referring to Ward's Register did not find their names on his list, they concluded that these Indians did not have any rights to the land, and the lands were sold by the government at its public land sales. This caused a great many complaints along the Indians, so that in 1837, Congress appointed a Commission which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830 and made a list of their names. In 1842, Congress appointed another Commission which went also to the state of Mississippi and heard claimants under article fourteen of that treaty and made a list of their names.

Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty? A I do not know.

Q Did you ever hear that any of your ancestors, if Choctaw Indians, received any certificate or scrip as it was called, from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, and which was given to them, because they had not only proved their claims under article fourteen of the treaty of 1830, but also proved that they had had land taken from them by the government and sold in Mississippi? A I don't know.

Q You never heard that? A No sir.

Q Will you give the names of some of your relatives who have made application before the Commission to be identified as Mississippi Choctaws claiming through the same common ancestor, Elizabeth Brasher or Dumas? A My mother, Mary C.L. Hollis, my sister, Blanche Merchant; L. Belle Leslie; Lawrence W. Hollis and Thomas S. Hollis, my brothers.

Q Do you want to have their testimony considered with yours in order that you may get the benefit of their testimony? A Yes sir.

Q Have you any further evidence you want to present in support of this claim? A Not that I know of.

Q Have you any request to make in reference to the hearing of witnesses later in your case or taking of depositions? A I would like a little time.

Reasonable time will be allowed for that purpose.

Q Do you speak Choctaw or understand that language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, medium fair complexion, dark hair now somewhat gray, reddish brown moustache. He does not speak the Choctaw language and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states:

William H. Hallis-----S.

That as stenographer to the Commission to the Five Civilized Tribes  
I have been present at all proceedings had in the above entitled cause  
and that the above and foregoing are a full and correct statement of his stenographic notes of  
said proceedings on said date.

H. Christie

Subscribed and sworn to before me at Muskogee, Indian Territory  
this 14<sup>th</sup> day of December, 1901.



Commissioner.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4311.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

William H. Hollis,  
Anson, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erna Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Duella Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltz Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lulu K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Naunie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margrot Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glennan W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Fred Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Maimie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

James D. Dumas

Chairman.

Registered.

MCR 4311

Muskogee, Indian Territory, January 22, 1906.

William H. Hollis,  
Anson, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,

Commissioner.



## For Identification as a Mississippi Choctaw.

Date

DEC 9 1901

Name William H. Hollis.

Age 42

Blood

1/32

Post Office, Anson, Texas.

Father: Thomas H. Hollis, d

Mother: Mary C. L. " l

Claims through mother  
wife.Lula M. Hollis, w  
(living.)

No claim for wife.

Children:

William H. Hollis 2

Claims for self &  
claim.

Stenographer

H. C. Ransom

Choctaw MCR 4312

Minnie H. Nicolds

See MCR 4006

MCR 4312

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 9, 1901.

#4312.

In the matter of the application of Minnie H. Nicolds for the identification of herself and her five minor children, Richard, Hollis, Kate, Edward F., and Minnie Nicolds, as Mississippi Choctaws.

J. G. Ralls, Attorney for applicant.  
(No appearance).

Minnie H. Nicolds, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Minnie H. Nicolds.  
Q What is your age? A Thirty-five.  
Q What is your post office address? A Austin, Texas.  
Q How long have you lived at Austin? A A little over three years.  
Q And where did you live before you lived there? A San Marcos, Texas.  
Q San what? A San Marcos.  
Q M-a-r-c-o-s? A Yes sir.  
Q Where were you born? A I was born in Nacogdoches, Texas.  
Q Nacogdoches, Texas? A Yes sir.  
Q Have you always lived in Texas? A Yes sir.  
Q What is your father's name, or was? A Thomas H. Hollis.  
Q Is he living? A No sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary C. L. Hollis.  
Q She has made application to be identified hasn't she, before the Commission recently? A Yes sir.  
Q And is now living? A Yes sir.  
Q Do you claim through your mother? A Yes sir.  
Q How much Choctaw blood do you claim? A One-thirty-second.  
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the United States authorities? A No sir, not that I know of.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Edward F. Nicolds.  
Q White man and living? A Yes sir.  
Q Do you make any claim for him? A No sir.

(2).

- Q Have you any children that you wish to make application for under twenty-one years of age and unmarried? A Yes sir.
- Q What is the name of the oldest? A The oldest is Richard Nicolds.
- Q How old is he? A Thirteen.
- Q The next? A Hollis Nicolds.
- Q How old? A Eleven.
- Q The next? A Kate Nicolds.
- Q Kate? A Yes sir, nine.
- Q The next? A Edward Nicolds-----Edward F. Nicolds, six; and Minnie Nicolds, four.
- Q Is Edward F. Nicolds the father of these children? A Yes sir.
- Q You claim for yourself and children? A Yes sir.
- Q When and where were you married to your husband? A I was married in Anson, Jones County, Texas.
- Q Texas? A Yes sir.
- Q Do you remember the date? A I think it was in '87-----in May, 1887.
- Q By a minister under a license? A Yes sir, by a presbyterian minister.
- Q Was he ever married before he married you? A No sir.
- Q Were you ever married before you married him? A No sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for enrollment as Choctaw Indians for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Is this the first application that you have ever made for yourself and children for enrollment as members of the Choctaw Tribe of Indians, to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Is it your purpose now in coming before the Commission to claim identification for yourself and children under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand Article XIV of that Treaty? A I think I do.
- Q Would you like to have it explained further to you, or do you think you understand it sufficiently? A I think I do.
- Q Article XIV of the Treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter

(3).

section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with that article? A No sir, not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Why, through my great-grandmother, Elizabeth Brashear.
- Q Did she live in Mississippi or Alabama in that old Choctaw Nation in 1830, and had she a family there at that time? A I couldn't tell you.
- Q Did she ever live in Mississippi or Alabama? A I don't know.
- Q How much Choctaw blood did she have? A She was one-quarter.
- Q How do you know she was one-quarter Choctaw? A Well, I don't know, only what I get from the family you know.
- Q Well, through whom did you hear she had that quantity of Choctaw blood? A Through my mother and brothers and relations.
- Q Do you know whether she complied with the provisions of Article XIV in this respect; did she go to the United States Indian Agent or any of your Choctaw ancestors, for that matter, within six months after the ratification of the Treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I do not know.
- Q Do you know how old she would be if she were living now? A No sir, I do not.
- Q You claim through your mother? A Yes sir.
- Q What was her father's name? A Her father's name? Lawrence W. Dumas.
- Q Did he ever live in Mississippi or Alabama? A I do not know but I think he did. I am not certain.
- Q You are not sure about it? A No sir, I don't know.
- Q Did your mother ever live in Mississippi? A I think she did to the best of my knowledge. I think mama came to Texas when she was a child, either from Mississippi or Alabama, I couldn't tell you.
- Q How old is she now? A Well, mama is fifty-eight or nine. It seems to me she's older than the boys think she is; I am not positive.
- Q You are not sure about that? A No sir, because it's been some time since I asked her age.
- Q Born in Mississippi you say? A I couldn't say that. I forget.
- Q You don't know positively then that any of your ancestors lived in Mississippi or Alabama? A I knew some of them did live there.
- Q Could you tell whom? A No sir, I could not.
- Q Could you tell how old your mother's father, your grandfather on your mother's side would be if living now? A No sir, I couldn't tell you.
- Q Did any of your Mississippi Choctaw ancestors claim or own any land in Mississippi or Alabama in 1830, under Article XIV of the Treaty of 1830? A Not that I know of.

(4).

- Q Don't know whether any of them owned any improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Did any of your Choctaw ancestors claim any land or any benefits whatever under any other article of the Treaty of 1830 than Article XIV, or under the supplement of that Treaty? A I don't know.
- Q Did any of your Choctaw ancestors claim any rights or benefits or advantages under any treaty made between the United States Government and the Choctaw Indians other than the Treaty of 1830? A I couldn't tell you.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Do you know? A No sir, I don't.
- Q In 1837 a Commission was appointed by Congress, by an act approved March 3rd of that year, and in 1842 another Commission was appointed by Congress by an act approved August 23rd of that year. These Commissions were appointed, the one in 1837 and the other in 1842 for the purpose of going into the State of Mississippi and hearing Choctaw Indians who lived there in the old Choctaw Nation who claimed that they had registered with Colonel Ward in 1831, and who had taken land in Mississippi. They also claimed that their names were not placed upon Ward's list, although they had attempted to register, and some of them had their lands taken from them although they had a perfect right to hold them under Article XIV of the Treaty of 1830. These two different Commissions made lists of the names of all applicants who came before each one of them respectively, and reported upon their claims. According to the provisions of Article XIV of the Treaty of 1830, it was the duty of the Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama and who desired to take advantage of the provisions of that Article of that Treaty to go to Colonel Ward within six months from the ratification of the Treaty and register their names with him as persons who wished to stay in Mississippi, take land there and become citizens of the United States. Those Indians claimed they did so, but that Colonel Ward, the United States Indian Agent, neglected to put their names on his register, and it is a fact that Colonel Ward left off the names of hundreds, if not thousands of claimants who appeared before him as required under the conditions of that article of that Treaty. Do you know if any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits under Article XIV of that Treaty? A No sir I do not.
- Q The act of Congress approved August 23, 1842, provided that if any Choctaw Indian had proved his claim under Article XIV, if it also appeared that he had had his land taken from him by the Government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate should be given to him to that effect. These certificates at that time were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not to my knowledge.
- Q Can you give the names of some of your relatives who have appeared here for identification as Mississippi Choctaws? A Yes sir, my mother.
- Q Mary C. L. Hollis? A Mrs. L. Belle Lesley.
- Q Mrs. Belle Lesley. A Scott Dumas, Dan Dumas
- Q Dan Dumas, Lawrence W. Hollis? A And William H. Hollis.

(5).

- Q And others whose names you don't recall? A Yes sir.  
Q Did they all claim through Elizabeth Brashear? A Yes sir.  
Q Would you like to have their testimony considered with yours when yours is considered? A Yes sir.  
Q Do you speak or understand the Choctaw language? A I do not.  
Q Have you any evidence of any kind that you would like to present, or have you witnesses that you wish to bring before the Commission at this time? A I have not.  
Q Have you any suggestions or requests to make in reference to the hearing of witnesses in your case or the taking of depositions? A I would like to have the privilege.  
Q You would like to have time for that purpose? A Yes sir.  
Q Reasonable time will be extended to you for that purpose.

This applicant has the appearance and physical characteristics of being descended from white parentage; light complexion, blue eyes, and black hair. She had no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

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Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 9, 1901, and the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 24 day of January, 1902.

*Hal Belford*  
*Clara Mitchell Wood*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, November 10, 1902.

George S. Cobb being first duly sworn testified as a witness in the application for identification as Mississippi Choctaws of Minnie H. Nicolds, et al., M.C.R.4312, as follows:

Examination by the Commission:

- Q What is your name? A George S. Cobb.
- Q What is your age? A I'm fifty four years old.
- Q What is your post office address? A Caddo, Indian Territory.
- Q How long have you lived in Caddo? A I've been there five years; it will be in March but I think I had better say four hadn't I?
- Q What has been your occupation since you have been in Caddo?
- A In the mercantile business.
- Q Are you a member of the Choctaw tribe of Indians in the Indian Territory? A Yes sir.
- Q Were you on the original 1896 roll of the Choctaw Nation?
- A No sir.
- Q Were you admitted by the Dawes Commission under act of Congress of June 10, 1896? A I think our case was rejected and appealed.
- Q You made application to the Commission at that time for yourself and whom? A My brother made the application.
- Q His name is what? A W. F. Cobb.
- Q He made application for you and who else? in your family?
- A My wife and two daughters.
- Q You were rejected and then what was done after your rejection by the Dawes Commission? A I think my brother appealed the case to the court.
- Q You know he did dont you? A I know he did.
- Q To what court was it appealed? A To townsend's court.
- Q Was that court the district court for the Indian Territory?
- A Yes sir at Ardmore.
- Q Judge Townsend was on the Bench? A Yes sir.
- Q And what was done with you case then and the case of your wife and children? A We obtained a judgment; the whole family.
- Q Is that you are admitted as a court citizen to citizenship in the Choctaw Nation? A Yes sir.
- Q Are you acquainted with Minnie H. Nicolds? A Yes sir.
- Q Are you related to her? A Distantly related.
- Q Do you know what relation you hold to her? A I'm not just sure about that; I know the Dumas family have all married through each other and it would take a pretty good mathematician to know.
- Q You are not able to state just what relation? A No sir.
- Q Is Minnie H. Nicolds married? A Yes sir.
- Q What is the name of her husband? A I call him Judge; I know his name; I've got it in mind but I cant call it to save my life; this is her husband.
- Q Do you know the name of Minnie H. Nicolds husband? A I cant call it to memory; I've got it in writings but I cant call it
- Q What do you know about Minnie H. Nicolds being a resident of the Choctaw Nation Indian Territory? A I know she is.
- Q Where does she live at this date? A Caddo Indian Territory.
- Q Is she there in person? A Yes sir.
- Q With her family? A Yes sir.



- A And can you give the names of the members of her family?  
A I cannot.  
Q Do you know whether she has these children: Richard?  
A I think she has; I'm not very well acquainted with the children.  
Q Do you know whether she has a child named Richard or not?  
A She has I think.  
Q I shall have to repeat to you again that when you are testifying in these cases that what you think isn't of very much importance; I asked you if you knew of your own personal knowledge. A Yes; I think they have a little boy named Richard.  
Q I asked you if you knew whether they had a child named Richard? A I want to give it to the best of my knowledge.  
Q Do you know? A I think that's what they call him; he must be thirteen or fourteen years old.  
Q Do you know? A No sir.  
Q Give the names of the other children? A I can't give them.  
Q Do you know whether there's one of them named Hollis?  
A I know they have a child they call Hollis.  
Q Why didn't you know that a minute ago? A I can't think of ~~the~~ their names until they are called.  
Q Is that child living in the Indian Territory? A It's with its mother at Caddo.  
Q Are all the children living with their mother?  
A You haven't mentioned all the names.  
Q Kate? A I don't recollect.  
Q Edward F.? A Yes.  
Q Minnie? A Yes.  
Q At Caddo? A I know they have those children; I meet them.  
Q When did Minnie H. Nicolds first establish a residence at Caddo? A About the first of July this year 1902; I don't know the date; about that time.  
Q In 1902? A Yes sir.  
Q And is her husband living there with her? A Yes sir.  
Q And she Minnie Nicolds and her children and her husband have all lived in Caddo Indian Territory as residents of that place since about July 1, 1902? A Yes sir.  
Q Do you know what her husband's occupation is there?  
A He's an attorney; has an office.  
Q He's a practicing attorney at Caddo? A Yes sir.  
Q Does he practice anywhere else? A I don't know that he does; he hasn't been there long.  
Q Is his home with his wife entirely in Caddo, Indian Territory? A Yes sir.  
Q Mr. Cobb if there's anything else you want to testify in this matter you can do so? A There's nothing I want to say at all.

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*Wex*  
Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 19th day of November 1902.

*Charles Nelson* Notary Public.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE  
W. E. STANLEY

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4312.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Winnie H. Nicolds,  
Austin, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sander-,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelie Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Multy Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellis Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mollie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Giennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Paris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel L. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Doughlass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Emma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Mable Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lida A. Dumas, Leui Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barton, Guyon Elizabeth Barton, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pickney Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hordense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Euvice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

*James H. Cannon*  
Chairman.

Registered.

Muskogee, Indian Territory, June 3, 1908.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, enclosing argument of Minnie H. Nicolds, offered in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws. The same has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., the record therein, together with the decision of the Commission refusing the several applications in this case, was, on June 1, 1903, transmitted to the Department.

On this date there was received from J. G. Ralls, attorney, an argument of Minnie H. Nicolds, one of the applicants included in said consolidated case. The argument is herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

McM 77



*mm*

REFER IN REPLY TO THE FOLLOWING

MCR 4312

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

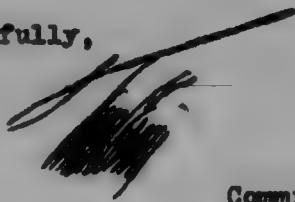
Muskogee, Indian Territory, January 22, 1906.

Minnie H. Nicolds,  
Austin, Texas.

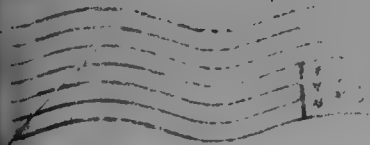
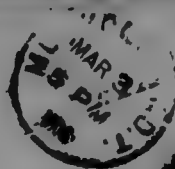
Dear Madam:

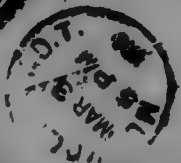
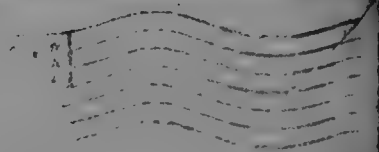
You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,



Commissioner.

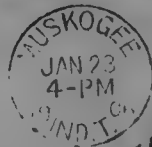




Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



4312

MAR - 6 1906

UNCLAIMED  
JAN 24 1906

Minnie H. Nichols,

~~Austin,~~ Texas.

RED  
AUSTIN, TEXAS  
May 25 1903  
w

Chairman

JUL 14 1903

RECEIVED

FROM THE  
SIZED 10

DEPARTMENT OF THE INTERIOR,  
COMB. BUREAU TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 14 1903

CHIEF

*Wm. H. ...*  
*...*  
*...*  
AUSTIN, TEXAS  
MAY 18  
1903

10355

17167



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Winnie Richards,  
Austin, Texas.  
*Parties Address not known*

EX-1

## For Identification as a Mississippi Choctaw.

Date

DEC. 9 1901

Name Minnie H. Nicolds.Age 35 Blood 1/32Post Office, Austin, Texas,Father: Thomas H. Hollis, d.Mother: Mary C. L. Hollis, - b.Claims through mother  
husbandEdward F. Nicolds, w. l.No claim for husband

## Children:

Richard Nicolds, 13Hollis " "Kate " 9Edward F. " 6Minnie " 4Claims for self &  
children.Stenographer Hal Belford



No. 4312

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date NOV 10 1902

Name George S. Cobb witness in  
Case of Minnie H. Nicolds et al  
Age 54 (about case)

Post Office, Caddo - L. P. =

Father:

Mother:

Claims through

Children:

Stenographer

Chamberswood

Choctaw MCR 4313

Mary C. McLeod

See MCR 4006

MCR 4313

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I. T. D. November 9, 1901.

4313

In the matter of the application for identification as a Mississippi Choctaw of Mary C. McLeod for herself and her minor child Mary L. McLeod as a Mississippi Choctaw.

Applicant represented by attorney J. G. Ralls.

Mary C. McLeod being first duly sworn testified as follows:

Examination by the Commission:

- Q Your name is Mary C. McLeod? A Yes sir.  
Q What is your age? A 33 years old.  
Q What is your post office address? A Little Rock, Arkansas.  
Q How long have you lived in Little Rock? A About four years.  
Q Where did you live before that? A I lived in Texas and Louisiana.  
Q Where were you born? A Nacadoches, Texas.  
Q How long did you live there before you removed from that state?  
A I suppose I was about 10 or 12 years old when we moved from Nacadoches.  
Q Where did you go to from Nacadoches? A I went to Wills Point, Texas.  
Q Did you live elsewhere before you removed to Arkansas, other than in Texas? A In Louisiana.  
Q What years did you live in Louisiana? A I lived there a year before I went to Little Rock.  
Q Just one year before you went to Little Rock? A Yes sir.  
Q What is your father's name? A Thomas H. Hollis.  
Q He is not living now is he? A No sir.  
Q What is your mother's name? A Mary C. Hollis.  
Q She has made application to be identified has she not, before this Commission? A Yes sir.  
Q Recently? A Yes sir.  
Q Do you claim through your mother? A Yes sir.  
Q How much Choctaw blood do you claim through your mother? A Through my mother?  
Q Yes, how much Choctaw blood do you claim? A One-thirty-second.  
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A William J. McLeod.  
Q Is he an Indian or a Scotchman? A He must be a Scotchman.  
Q He is a white man then is he? A Yes sir.  
Q Do you make any claim for him? A No sir.  
Q Have you any children that you wish to make application for who are under 21 years of age and unmarried? A I have.  
Q How many have you? A One.  
Q What is the name of this child for whom you wish to make application? A Mary L. McLeod.  
Q How old is she? A 22 months old.  
Q Is William J. McLeod the father of Mary L? A Yes sir.  
Q You claim for yourself and this child do you? A Yes sir.  
Q Do you remember when and where you were married to your husband?  
A Yes sir.

Mary C. McLeod---2.

- Q When and where? A I was married in San Marcus, Texas in 1894.
- Q By a Minister? A I've done forgot what the Minister's name was.
- Q He was a Minister was he; you were married under a license? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation? A No sir.
- Q To the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes-----
- A No sir.
- Q Under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q This is your first application is it, for citizenship in the Choctaw Nation to any authority whatever, either to the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified and for the identification of this child as Mississippi Choctaws? A Yes sir.
- Q Claiming under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand article 14 of that treaty? A Only what I heard you read.
- Q Would you like to have it explained to you? A No, I guess I understand it about as much as if you would read it over.
- Q You waive the explanation then? A Yes sir.
- Q Article 14 of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."
- Q Do you know whether any of your Choctaw ancestors complied with any of the provisions of the 14th article of that treaty as read to you; do you know whether they did any of these things; any of your people? A That was my grandmother?
- Q Yes, did she? A I don't think she did; I don't know.
- Q What was her name? A My great grandmother?
- Q Yes.
- A Elizabeth Brashears.
- Q That was her maiden name; what was her married name? A I suppose it was Dumas.
- Q R. W. A Yes.
- Q How much Choctaw blood did Elizabeth have? A One-fourth I guess.
- Q How do you know? A That's what I heard. From the pedigree they have brought down and twisted around, I guess she must have been that.
- Q You don't know only what you have heard in the family? A The pedigree of the family.
- Q Did she understand the Choctaw language? A I don't know.
- Q Did she live in Mississippi or Alabama? A I suppose she did, I don't know.
- Q Did she live in both states? A I don't know; I guess she lived in Mississippi.
- Q Do you know? A No not for sure.

- Q Did she ever go to the United States Indian agent, Colonel Ward and tell him, within six months from the ratification of the treaty of 1830 that she wanted to stay in Mississippi and take land and become a citizen of the United States? A I dont know.
- Q Did any of your Choctaw ancestors, Elizabeth Brashears or any other of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A I dont know.
- Q Did she or any other of your Choctaw ancestors claim any land or own any in Mississippi or Alabama under article 14 of the treaty of 1830? A I dont know.
- Q Did they claim any benefits or any land or own any under any other article of the treaty of 1830 than article 14, or the supplementary articles? A I dont know.
- Q Did any of your Choctaw ancestors claim any benefits or any rights or any privileges under any other treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I dont know.
- Q How old would Elizabeth Dumas, whose maiden name was Brashears be if she were living now? A I dont know.
- Q How old would your grandfather be if he were living now? A My own grandfather? I dont know without I'd set down and go back.
- Q What was his name? A L. W. Dumas.
- Q Your grandfather? A L. W.
- Q And he was the son of Elizabeth Dumas? A Yes sir.
- Q Was he born in Mississippi or Alabama? A. Which? My grandfather?
- Q L. W., yes. A I suppose he was, I dont know.
- Q That would be just simply guess-work on your part? A O, yes, I dont know where he was born.
- Q The Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, preferring to remain in the old Nation rather than go to the Choctaw Nation Indian Territory, in order to take advantage of the provisions of article 14, which was put into the treaty for their especial benefit were required to go to the United States Indian agent, Colonel Ward within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay there in Mississippi, take land in that state and become citizens of the United States; a great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's Register. Some of these Indians had selected land in Mississippi in the old Choctaw Nation and in Alabama, which the government took from them afterwards and sold at its public land sales, because their names were not found upon Colonel Ward's Registered List; this caused so many complaints among the Choctaw Indians that Congress came to their relief in 1837 by appointing a Commission by an act approved March 3, 1837, which Commission went to Mississippi and heard claims under article 14 of the treaty of Dancing Rabbit Creek or the treaty of 1830 as it is sometimes called and made lists of the names of those that came before it. In 1842 by an act approved August 23 of that year Congress appointed another Commission for the same purpose and this Commission also went to Mississippi and heard claims under article 14 of the treaty of 1830. Do you know if any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed, rights, benefits, privileges under article 14 of that treaty? A You mean for the Mississippi land?
- Q Yes

Mary C. McLeod-----4

- A No, I dont know.
- Q The act of Congress approved August 23, 1842 provided that if any Choctaw Indian prove his claim under article 14 of that treaty, if it also appeared that he had lost his land because it was taken from him by the government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given to him; these certificates were called scrip; did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians?
- A Not that I know of.
- Q Will you give the names of some of your relatives who have appeared before this Commission? to be identified as Mississippi Choctaws claiming their right through Elizabeth Brashears, or Dumas? A My mother, Mary C. L. Hellis, Lawrence W. Hellis, William H. Hellis, Minnie H. Nicolds.
- Q Who is Thomas S. Hellis? A He's my brother.
- Q He has appeared here too has he? A Yes.
- Q Do you remember any other who have previously come before the Commission? A Only my-----some of the Dumas's.
- Q Do you remember ~~the~~ names of any of them? A I think Scott Dumas and Dan Dumas.
- Q Others that you dont recollect now? A Yes.
- Q Do you want to have their testimony in their cases considered in connection with yours? A Yes sir.
- Q In order that the testimony in one may be considered with the others? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Have ne knowledge of that language? A No sir.
- Q Have you any evidence of any kind - documentary or otherwise that you want to present now to the Commission? A No sir.
- Q Have you any suggestions or requests that you wish to make in reference to the taking of depositions of witnesses in future-- would you like time? A No, just the ones that I have given.
- Q You mean you want to refer to those who have already testified?
- A Yes sir.

The applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium dark complexion; medium brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestors with any of the provisions of the 14th article of the Treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 9th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 10th day of December 1901

*Clara Mitchell Wood*  
*[Signature]*  
Notary Public.

COPY.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4313.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mary C. McLeod,  
Little Rock, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5657
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollie,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Aminon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725



Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles L. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Giennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Coie, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Crenger, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dieken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. G. D.).

*James H. Hays*

Chairman.

Registered.

mm

REFER IN REPLY TO THE FOLLOWING

MCR 4313

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

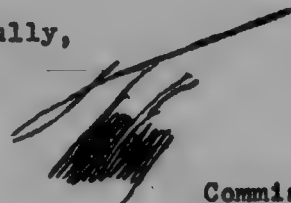
Muskogee, Indian Territory, January 22, 1906.

Mary C. McLeod,  
Little Rock, Arkansas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,



Commissioner.

CHAIRMAN

*[Handwritten signature]*

JUL 2 1903

F. L. M. D.

DEPT OF THE INTERIOR,  
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DEPARTMENT OF THE INTERIOR,  
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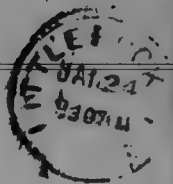
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Mary T. McLeod,

Little Rock, Arkansas.

10678

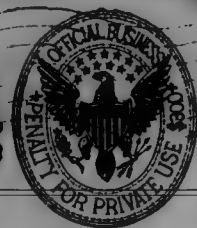
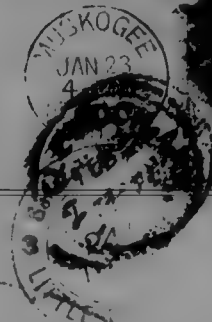




Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

4313



Mary C. McLeod,

Little Rock, Arkansas.

DECLARED

For Identification as a Mississippi Choctaw.

Date

DEC 9 1901

Name

Mary C. McLEOD (P.)

Age 33

Blood

1/32

Post Office,

Little Rock, Ark.

Father:

Thomas H. Hollis, d

Mother:

Mary C. L. Hollis, d.

Claims through

husband. Mother

William J. McLeod, w.

No claim for husband

Children:

Mary L. McLeod, 22m

Claims for sale

Chief

Choctaw MCR 4314

Hattie E. Andrews

See MCR 4006

MCR 4314

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., DECEMBER 9, 1901.

#4314

-----oOo-----

In the matter of the application of Hattie E. Andrews for the identification of herself and her two minor children, Max R. Andrews Jr. and Hattie E. Andrews, as Mississippi Choctaws.

Applicant represented by J. G. Ralls (no appearance).

Hattie E. Andrews, being first duly sworn, on her oath testified as follows:

Examination by the Commission:

- Q What is your name? A Hattie E. Andrews.  
Q Your age is what? A Thirty-one.  
Q What is your post office address? A Abilene, Texas.  
Q Where were you born? A Nasadoches.  
Q Have you always lived in Texas? A Yes sir.  
Q How long have you lived in Abilene, continuously? A Six years.  
Q What is your father's name? A Thomas H. Hollis.  
Q Is he living or dead? A He's dead.  
Q What is your mother's name? A Mary C. L. Hollis.  
Q Is she living? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One thirty-second.  
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.  
Q Are you married? A I am.  
Q What is your husband's name? A Max R. Andrews.  
Q Is he a white man or red man? A White man.  
Q Do you claim for your husband? A No sir.  
Q Have you any children that you wish to make application for, who are under twenty-one years of age and unmarried? A Yes sir.  
Q What is the name of the oldest? A Max R. Andrews.  
Q Junior? A Junior; age eleven.  
Q Next? A Hattie E. Andrews.  
Q How old? A Nine.  
Q Next? A That's all.  
Q Is Max R. Andrews the father of these two children? A He is.  
Q You claim for yourself and two children? A I do.  
Q When were you married to your husband? A I was married in 1889.  
Q Do you remember the day of the month? A Twenty-sixth day of March.

(2)

- Q Was your husband ever married before he married you? A No sir.
- Q Were you ever married before you married him? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Is the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities for yourself and children? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application that you have ever made for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws--yourself and children--claiming under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
- Q Do you understand the provisions of article fourteen of that treaty? A Yes sir, from what I have read.
- Q You do not care to have it explained? A No sir.

Article fourteen of the treaty of eighteen hundred and thirty is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article of that treaty? A Yes sir, I have been taught by my back ancestors that our great-grandmother, Elizabeth (Brashears) Dumas in 1830 went to Colonel Ward to enroll but never found where she enrolled. I don't know whether she was enrolled or whether they refused her, and have no record of her receiving benefits.

(3)

- Q You understand the provisions of that article? A Yes sir.
- Q That was your great grandmother? A Yes sir.
- Q Is that the person through whom you claim the right to be identified? A Yes sir.
- Q How much Choctaw blood did she have? A One-fourth.
- Q In what way did you learn that she was one-fourth? A Through my mother. I have been taught that our great-grandmother was one-fourth by my back parents.
- Q That has been a matter of family history and tradition? A yessir.
- Q Did she speak or understand the Choctaw language? A I don't know.
- Q Did she have an Indian name? A I don't know.
- Q Do you know whether or not she lived in the old Choctaw Nation in 1830? A I do not.
- Q In Mississippi or Alabama? A I don't know which she lived in.
- Q You say its a matter of tradition that she went to the United States Indian Agent and claimed land in Mississippi? A Yes, she went and wanted to enroll.
- Q Was that within six months after the ratification of the treaty of 1830? A Somewheres about that time.
- Q You do not know the exact date? A No sir.
- Q Do you remember the name of that Indian Agent who lived there in Mississippi at that time? A Indian Agent?
- Q Yes? A No sir.
- Q Did you ever hear of Colonel Ward? A Yes sir, Colonel Ward.
- Q Is that the name? A Yes sir, that's the name. I didn't understand the question. That is the Agent.
- Q Now Colonel Ward heard these applications in Mississippi?
- A Yes sir.
- Q And all applicants must have gone to him within six months after the ratification of the treaty of 1830 which would have been within six months of the 24th day of February, 1831? A Yes sir.
- Q Have you any information as to when she went? A No sir, but there is witnesses that still yet lives from what I have heard that say she went---John Lewis and Tobias Edwards.
- Q Now these two persons have been before this Commission as witnesses in certain cases and have testified to certain facts in regard to Elizabeth Brashears Dumas having complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. Do you gather your information in this matter from the fact of their testimony and what they testified to? Yes sir, from my mother.
- Q You think her information comes from these witnesses? A No sir, I don't know whether---from the family record.
- Q How old would Elizabeth Brashears Dumas be if living now?
- A I don't know, pretty old.
- Q Do you know where she was born? A No sir.
- Q Or when? A No sir.
- Q Do you know where she died? A No sir.
- Q What was her son's name? A L. W. Dumas.
- Q You claim through him? A Yes sir.
- Q Did he live in Mississippi or Alabama? A He must have lived there; my mother was born in Mississippi.
- Q Was he born in Mississippi? I don't know.
- Q Where did he die? A In Texas.
- Q Do you know when he died? A No sir.

(4)

- Q Your mother was his daughter? A She was.  
Q How old is she now? A Fifty-eight.  
Q Was she born in Mississippi or Alabama? A Mississippi.  
Q Do you know what place in Mississippi? A No sir, I can't recall the name; I have heard it repeatedly.  
Q Can you go back any further for your Choctaw ancestors back of Elizabeth Brashears? A No sir.  
Q You do not know whether she claims through father or mother?  
A I do not.  
Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830? A I don't know.  
Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay in Mississippi and take land there and become citizens of the United States? A I don't know whether she did or not; I don't know; she went there for enrollment.  
Q You don't know whether she made these claims? A No sir.  
Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A Not as I know of.  
Q Did any of your Choctaw ancestors claim land or own land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.  
Q Did any of your Choctaw ancestors own or claim land under any other article than article fourteen of the treaty of 1830?  
A I don't know.  
Q Or under the supplement of that treaty? A I don't know.  
Q Did any of your Choctaw ancestors claim any benefits, rights or privileges under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830?  
A None that I know of.

The Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the ratification of the treaty of 1830 were required by the provisions of the fourteenth article of that treaty, if they wished to take advantage of the provisions of said article, to go to the Indian Agent within six months after the ratification of that treaty and tell him they wanted to stay in Mississippi and take land there and become citizens of the United States. There were a great many Indians who did this whose names Colonel Ward failed to put on his list. It was their duty to make application to be registered under that article, and his failure to register all the Indians that did that caused a great many Indians to lose both land and improvements they had upon it; both was sold by the government at a public land sale. This caused many complaints among the Choctaw Indians, especially those who had land taken from them by the government and sold. A Commission was appointed in 1837. This Commission went to Mississippi and heard claims under article fourteen of the treaty of 1830 and made a list of their names. In 1842 Congress appointed another Commission for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before those two Commissions and claim any benefits? A None unless it was her.

(5)

- Q Well she you say went before Colonel Ward? A Yes sir, Colonel Ward.
- Q If she did, she would have gone there in 1831? A Yes sir.
- Q This was in 1837 and later in 1842? A Yes sir.
- Q You do not know whether your ancestors went before these subsequent Commissions? A No sir.
- Q Did any of your Choctaw ancestors ever receive any script from the United States government or certificates which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas?
- A Not that I know of.
- Q This scrip was issued to only those Indians who proved rights under article fourteen, and from whom the government had taken land and sold it. You do not know whether any of your ancestors received any scrip? A No sir.
- Q Can you give the names of some of your relatives who have appeared here for identification as Mississippi Choctaws?
- A Mary C. L. Hollis.
- Q That's your mother? A Mother. Blanche Merchant, sister. William H. Hollis.
- Q Lawrence W. Hollis? A Yes sir. J. S. Hollis.
- Q Who is that scotch lady over there? A Mary C. McLeod.
- Q Any others you remember? A No sir.
- Q These are relatives of yours with others who claim through the same common ancestor, Elizabeth Brashears.
- Q Do you want to have their testimony as given by them considered with yours for the benefit of all? A Yes sir.
- Q Do you speak or understand Choctaw? A No sir.
- Q Have you any documentary evidence you want to present in support of your application? A No sir.
- Q Have you any request to make in reference to the hearing of witnesses later, or the taking of depositions of witnesses?
- A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark complexion, blue eyes and dark brown hair. She does not understand the Choctaw language. Her knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830 comes from family history and tradition and the testimony of witnesses Tobias Edwards and John Lewis and others who have already appeared as witnesses before this Commission in the applications of other members of the family claiming descent through both Elizabeth Brashears and Keziah Brashears.

-----

Albert G. McMillan, being first duly sworn, states that he reported as stenographer to the Commission to the Five Civilized Tribes, all the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 10th day of December, 1901.

*Charles M. Wood*  
Notary Public.



## COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4314.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Hattie E. Andrews,  
Abilene, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Hermann,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Crothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lanion Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovel E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

*James C. Dancy*

Chairman.

Registered.

COPY.

MCR 4314

Muskogee, Indian Territory, January 22, 1906.

Hattie E. Andrews,  
Abilene, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Tamr Birby.*  
Commissioner.

## For Identification as a Mississippi Choctaw.

Date

DEC 9 1901

Name *Kattie E. Andrews*Age *31* —Blood *3/4*Post Office, *Abilene, Texas.*Father: *Thomas H. Hollis, d.*Mother: *May C. L. Hollis*Claims through *(mother)*  
*husband**Mat R. Andrews, w.**No claim for husband,*

Children;

*Mat R. Andrews, Jr. 11*  
*Kattie E. " 9**Claims for self &*  
*children*Stenographer *A. G. McMillan,*

Choctaw MCR 4315

Charlie T. Skinner

See MCR 4006

MCR 4315



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., DECEMBER 9, 1901.

#4315.

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In the matter of the application of Charlie T. Skinner for the identification of herself and minor child, Blanche L. Skinner, as Mississippi Choctaws.

Applicant represented by J. G. Ralls (no appearance).

Charlie T. Skinner, being first duly sworn, on her oath testified as follows:

Examination by the Commission:

- Q What is your name? A Charlie T. Skinner.  
Q Your name is Charlie T. Skinner, is it? A Yes sir.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Abilene, Texas.  
Q How long have you lived at Abilene? A About six years.  
Q Where did you live before that? A Lived in Anson, Texas.  
Q Where were you born? A Nasadoches, Texas.  
Q How long have you lived there? A I don't know, I was quite small when I left there; don't know how old.  
Q Did you ever live in any other state than Texas? A Never did.  
Q How long have you lived in Abilene? A About six years.  
Q In what county have you resided longest? A In Jones county.  
Q How long did you live there? A I disremember.  
Q What is your father's name? A Thomas H. Hollis.  
Q Is he living? A No sir.  
Q What is your mother's name? A Mary C. L. Hollis.  
Q Is she living? A She is.  
Q You claim through your mother? A Yes sir.  
Q How much Choctaw blood do you claim? A One thirty-second.  
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A I don't know.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A James W. Skinner.  
Q Is he a white man? A Yes sir.  
Q And living? A Yes sir.  
Q Do you make any claim for your husband? A No sir.  
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes sir, I have one; a girl two years old.  
Q What is her name? A Blanche L. Skinner.  
Q Is James W. Skinner the father of Blanche? A Yes sir.  
Q You make application for yourself and her? A Yes sir.  
Q When and where were you married to your husband? A Abilene, Texas.

(2)

- Q What year and month? A Thirteenth of June, 1897.
- Q By a minister? A Yes sir.
- Q And under a license? A Yes sir.
- Q Was your husband ever married before he married you? A No sir.
- Q Were you ever married before you married him? A No sir.
- Q Is your mother on the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, not that I know of.
- Q Have you ever made any application for citizenship in the Choctaw Nation to the Choctaw authorities or the United States authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application that you have made to be enrolled either to the Choctaw authorities or the United States authorities? A Yes sir.
- Q You now come before the Commission to identify yourself and child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q You understand that article of that treaty? A No sir, I have never heard it.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek because it was made at that place in Mississippi, was a treaty that was made between the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama, and the United States Government. It was signed on the 27th day of September, 1830, and ratified on the 24th day of February, 1831. It was a treaty that was made at that time for the purpose of getting all of the Choctaw Indians who lived in the old Choctaw Nation to leave that nation and come to the Choctaw Nation in the Indian Territory. They wanted them to come for the reason that the government could protect them better on government ground in the Indian Territory where they would not be encroached upon by the white people. But before the treaty was signed it became known that a great many Indians would not come to the new Choctaw Nation with the other Indians under that treaty, and for their interest and protection article fourteen was put into the treaty. That article was intended to protect those Choctaw Indians who remained back in the old Choctaw Nation, and reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to

(3)

become citizens of the state; for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Now, after having had that explained to you, do you think you understand the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Elizabeth Brashears.
- Q Is that her maiden name? A Yes sir.
- Q What is her married name? A Mrs. E. W. Dumas.
- Q E. W. Dumas was the man that married her? A Yes sir.
- Q How much Choctaw blood did Elizabeth Brashears Dumas have?
- A One-fourth.
- Q Through what source of information do you know that Elizabeth Dumas had one-fourth Choctaw blood? A Through my mother and other relatives.
- Q Did she speak the Choctaw language or have a Choctaw Indian name? A I don't know.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
- Q Do you know whether she had a family of children there at that time? A No sir.
- Q Did she ever live in Mississippi to your knowledge? A No sir.
- Q Did she ever live in Alabama? A Not as I know of.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830? A Not as I know of.
- Q Or any other time? A No sir, my mother lived in Mississippi and was born in Mississippi.
- Q Your mother's name is Mary C. L. Hollist? A Yes sir.
- Q What was her maiden name? A Dumas.
- Q Mary C. L. Dumas? A Yes sir, went to Texas when four years old.
- Q How old is she now? A About fifty-eight.
- Q Do you know where in Mississippi she was born? A No sir, I do not.
- Q Through which parent does she claim Choctaw blood, father or mother? A Father.
- Q Through father? A Yes sir.
- Q What was his name? A Lawrence Dumas.
- Q Sure she claims through him? A Yes sir.
- Q Did he ever live in Mississippi? A Yes sir.
- Q Was he born in Mississippi? A I don't know.
- Q Did he live there in 1830? A I don't know.
- Q He claimed through which parent, father or mother? A Through his father.
- Q What was his father's name? A His name was Dumas. I don't know what his given name was.
- Q Are you sure he claimed through his father, or are you positive about that? A I am not positive.

(4)

- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent of the Choctaw Indians in Mississippi and signify their intention to remain in Mississippi and take land there and become citizens of the states? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors went from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors claim land or receive any, or any other benefits under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I think not.
- Q Did you ever hear that any of your Choctaw ancestors claimed land or received any under any other article of the treaty of 1830 than article fourteen or the supplement of that treaty?
- A No sir.
- Q Did any of your Choctaw ancestors, to your knowledge, claim any rights, benefits or privileges under any other treaty made between the United States government and the Choctaw Indians than the treaty of 1830? A Not as I know of.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the ratification of the treaty of 1830, were required under the provisions of article fourteen of that treaty, if they desired to take advantage under those provisions, to go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and register their names with this Agent as members of the Choctaw tribe of Indians who desired to remain in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this under the provisions of the fourteenth article of that treaty, whose names were not placed upon any list made by the United States Indian Agent. That list was known as Ward's register, and showed the names of only seventy-one heads of families who made application under the fourteenth article of that treaty. This failure of the Agent to record the names of all applicants who came before him under the provisions of the fourteenth article of that treaty, caused Indians who had land in Mississippi, and upon which they had improvements, to lose both land and improvements. Both were taken from them by the government and sold. This caused so many complaints among the Choctaw Indians that Congress appointed a Commission by an Act approved March 3, 1837, which Commission went to the state of Mississippi and heard all claimants who desired to appear before it claiming benefits, rights or privileges under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 Congress also appointed another Commission which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. Both of these Commissions--that of 1837 and that of 1842--made lists of the names of those who appeared before each one of them respectively.

- Q Do you know whether any of your Choctaw ancestors appeared before

(5)

the Commission of 1837 or of 1842 claiming benefits under article fourteen of the treaty of 1830? A I don't know.

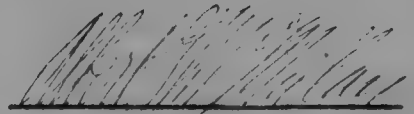
An Act of Congress approved August 23, 1842, provided: That if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek and if it also appeared that he had land taken from him by the government and sold, he should be entitled to select land in Mississippi, Louisiana, Alabama or Arkansas, to be taken from vacant government land, and a certificate to that effect to be given to him. This certificate was called scrip.

- Q Did any of your ancestors ever receive any such scrip from the government under this Act of Congress? A I don't know.
- Q Have you had any relatives who have appeared before this Commission for the purpose of being identified as Mississippi Choctaws?
- A Yes sir.
- Q Give the names of some of them? A Lawrence W. Hollis, William Hollis, Mrs. McLeod.
- Q What is her full name--McLeod? A Mary C. McLeod.
- Q Any others? A Minnie Nicolds.
- Q How do you spell Nicolds? A N-i-e-o-l-d-s.
- Q Minnie H.? A Yes sir.
- Q Any others? A Blanche Merchant.
- Q That was some time previous to this date? A Yes sir. My mother--Mary C. L. Hollis.
- Q She also appeared some time ago? A Yes sir.
- Q And others whose names you do not recall? A Yes.
- Q All claim through the same common ancestor, Elizabeth Brashears Dumas? A They do.
- Q You desire to have the testimony in their cases considered with yours? A Yes sir.
- Q Is there anything further you wish to say in support of this application? A No sir.
- Q Have you any proper evidence that you desire to present now before the Commission, or witnesses you would like to call?
- QA I have not.
- Q Do you speak or understand the Choctaw language? A I do not.

This applicant has the appearance and physical characteristics of being descended from white parents, medium dark complexion, blue eyes, brown hair. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

(6)

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on the 9th day of December, 1901.



Subscribed and sworn to before me this 10th day of December, 1901.

  
Notary Public.

## COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

4315.

M. C. R.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESSES ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Charlie T. Skinner,  
Abilene, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725



Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenn W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Munnis P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lanion Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Fegguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Samuel Dickey*

Chairman.

Registered.

MCR 4315

COPY

Muskogee, Indian Territory, January 22, 1906.

Charlie T. Skinner,  
Abilene, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your child as Mississippi Choctaws, is a part.

Respectfully,

ED

*E. D. Gibson*

Commissioner.

## For Identification as a Mississippi Choctaw.

Date DEC. 9. 1901

Name *Charlie L. Skinner (F.)*Age *29* Blood. *1/32*Post Office. *Abilene, Tex.*Father: *Thomas H. Hollis, d*Mother: *Mary C. L. " l*Claims through mother  
*Mustard.**James W. Skinner, w. l.**No claim for husband.*

## Children:

*Blanche L. Skinner, 2.**Claims for self &  
child*

Stenographer

*A. G. McMillan*

Choctaw MCR 4316

George A. Hawkins

See MCR 451

MCR 4316

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

4316.

In the matter of the application of George A. Hawkins for the identification of himself and his four minor children, Joseph S., Rosabelle, Rene L., and Jack Hawkins, as Mississippi Choctaws.

--Represented by L.P.Hudson--

George A. Hawkins, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A George A. Hawkins.  
Q What is your age? A Thirty eight.  
Q What is your post office address? A Roff.  
Q Indian Territory? A Yes sir.  
Q Where were you born? A Georgia.  
Q Where? A Paulding county.  
Q How long did you live there? A Until I was seven years old.  
Q Where did you go to from Georgia? A Texas.  
Q How long did you live in Texas? A Three years.  
Q How long have you been in the territory? A Between twenty three and twenty five years.  
Q Continuously? A Yes sir.  
Q What was your father's name? A Samuel Hawkins.  
Q Is he living? A No sir.  
Q What is your mother's name? A Annie Hawkins.  
Q Is she dead? A Yes sir.  
Q You claim through which parent? A Father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your father ever been recognized as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q When and where were your father and mother married? A They married in Alabama; my father came from Mississippi to Alabama.  
Q Do you remember the date? A No sir.  
Q Do you think you can produce evidence of the marriage of given time? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Are you married? A Yes sir.  
Q What is your wife's name? A Lucy J. Hawkins.  
Q Is she a white woman? A Yes sir.  
Q Do you make any claim for her? A No, only through marriage.  
Q You make no claim for her as an Indian? A No sir.  
Q Have you any children? A Yes sir.  
Q How many? A I have four.  
Q What is your oldest child's name? A Joseph S.  
Q How old is Joseph? A Nineteen years old.  
Q What is the name of the next? A Rosabelle.  
Q What is her age? A Sixteen.  
Q The next? A Rene L.  
Q How old is Rene? A Seven.

George A. Hawkins-----2.

Q Next? A Jack.

Q How old is Jack? A Two years old.

Q Is Lucy Hawkins the mother of these children? A Yes sir.

Q Are they living with you at your home? A Yes sir.

Q You claim for yourself and them do you? A Yes sir.

Q When and where were you married to your wife? A Married down here at Atoka.

Q What date? A Twenty one years ago.

Q What day of the month? A March 25

Q What year? A 1879.

Q By a minister and under license? A Yes sir.

Q Have you the proof of your marriage with you now? A No sir.

Q Do you think you can produce it if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.

Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir, I never made any. It was proven once that I was a citizen of the territory but I didn't do it.

Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?

A No sir.

Q Is this the first application you have ever made for yourself and children for either citizenship or membership in the Choctaw tribe of Indians? A Yes sir.

Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of the treaty of 1830?

A No sir.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was entered into between the United States government and the Choctaw Indians who lived in Mississippi and Alabama at that time, and was made for the purpose of the removal of the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests in the territory, article fourteen was put into that treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child



Go orge A. Hawkins-----3.

which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that article now? A Yes sir.

Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A Not that I remember of.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandpa Hawkins.

Q What is his full name? A I don't believe I can call it.

Q Did he live in Mississippi in 1830? A Yes sir, my father taught me that he did.

Q Did he have a family there at that time? A Yes sir.

Q You don't remember his first name? A No sir, I don't.

Q Do you remember when he died? A He died, --No sir, I don't remember.

Q Or Where he died? A He died in Alabama, I believe, I wouldn't be positive.

Q Do you remember when or where he was born? A He was born in Mississippi.

Q What place in Mississippi? A I don't remember where it was.

Q Do you remember the date of his birth? A No sir.

Q Do you remember his father's or mother's name? A No sir.

Q How much Choctaw blood did he have? A He claimed to be one half.

Q Did he own any land in Mississippi or Alabama which he received from the Government as a Choctaw Indian under article fourteen of the treaty of 1830? A I couldn't say.

Q Did he receive or claim any land under any other article of the treaty of 1830 than article fourteen, or under the supplement of that treaty? A I couldn't say.

Q Did he own any improvement on land in Mississippi or Alabama in 1830? A I couldn't tell you.

Q Did any of your ancestors if Choctaw Indians within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi and take land there? A Not that I know of, I couldn't say that they did.

Q Can't you give me any idea of your father's age? A He has been dead thirty years and he was fifty three years old when he died.

Q He would be about eighty three now? A Yes sir.

Q And born in Mississippi? A Yes sir.

Q You cannot recall your grandfather's given name? A No sir, I cannot.

Q Did any of your Mississippi Choctaw ancestors from from that old Choctaw nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836? A I don't know whether they did or not.

George A. Hawkins-----4.

Q Did any of your Choctaw ancestors claim any rights or privileges or benefits under any other treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir, not that I know of.

The Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required by the provisions of article fourteen of the treaty, if they wanted to take advantage of the provisions of that article to go to the United States Indian Agent, whose name was Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A Great many Indians did this whose names, Colonel Ward, the United States Indian Agent, failed to put upon his list known as Ward's Register. His failure to make a proper record of the names of these persons claiming under that article who applied to him for registration, caused their lands to be taken from a great many Indians, who lived in Mississippi and Alabama, by the government. The land was taken and sold. This caused a great many complaints, until finally Congress in 1837 appointed a Commission which went to Mississippi and heard claimants claiming benefits under article fourteen of the treaty of 1830. In 1842, Congress appointed another Commission for the same purpose, and this Commission also went to Mississippi and heard claimants under that article of that treaty.

Q Did any of your Choctaw ancestors to your knowledge go before either the Commission of 1837 or the Commission of 1842 and claim any benefits under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

Q Did you ever hear that any of your Choctaw ancestors received scrip or certificates from the government of the United States as Choctaw Indians authorizing them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

These certificates were given to those Indians who proved their claims under article fourteen of the treaty of 1830 and who also proved that the government had taken their land.

Q You never heard that any of your people received any? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you anything further you want to say in support of this claim? A No sir.

Q Have you any evidence which you would wish to present now or witnesses whom you would like to call.

Here L.P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

Examination by L.P. Hudson, attorney for applicant:

Q You said your grandfather was a half blood? A Yes sir.

Q Then how much would your father be? A One quarter.

Q And if your father was one quarter how much would you be? A One eighth.

Q Then when you said you were one-sixteenth, you were mistaken in regard to that? A Yes sir.

George A. Hawkins-----5.

Q Do you want to have your evidence in that regard changed to one eighth? A Yes sir.

Q Have you a brother, W.H.Hawkins, who has already appeared before the Commission? A Yes sir.

By the Commission:

Q Have you any evidence you want to present now? A No sir.

Q Your bother claims through the same ancestor as yourself?

A Yes sir.

Q Would you like to have the testimony given in his case considered with yours in order that one may get the benefit of the testimony of the other? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. His complexion is dark, eyes dark, and hair nearly black, moustache dark brown. He does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 17 day of December, 1901.



Commissioner.

COPY.

M.C.R. 4516

Muskogee, Indian Territory, September 4, 1902.

George A. Hawkins,

Reef, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Hawkins, et al.,	M.C.R.	451
Claudio H. Hattenbach, et al.,	"	4517
George A. Hawkins, et al.,	"	4518
Caroline Elizabeth Stout, et al.,	"	4348
Annie Susanna Doughty, et al.,	"	4349

These applications were made under the provision of the act of Congress of June 30, 1893 (28 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

George A. Hawkins-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Hawkins, Sallie M. Hawkins, Jason C. Hawkins, Maudie A. Hawkins, Delia R. Hawkins, Willie Hawkins, Perrie F. Hawkins, Jessie J. Hawkins, Daise D. Hawkins, Claudie M. Hattenbach, Blanche Hattenbach, George A. Hawkins, Joseph S. Hawkins, Rosabelle Hawkins, Rene L. Hawkins, Jack Hawkins, Caroline Elisabeth Stout, Samuel Thomas Doyal, Augustus Harry Doyal, Annie Susanna Doughty, Hettie Reed Doughty, Minnie Lee Doughty, Lillie May Doughty, Cletie Doughty and John Alfred Dewy Doughty as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*James D. Doby*

Acting Chairman.

Registered.

COPY!

M C R 4316

McKees, Indian Territory, December 5, 1902.

George A. Hawkins,

McKees, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification of Mississippi residents of the several persons involved in the consolidated case of William H. Hawkins, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Very truly,

W. H. H. H.

No. 4216

For Identification as a Mississippi Choctaw.

Date

<sup>10</sup>  
DEC \* 1901

Name George A. Hawkins

Age 38

Blood

~~##~~ 1/8

Post Office, Koff. I. T.

Father: Samuel Hawkins, d

Mother: Annie " d

Claims through father  
wife: Lucy J. " w.  
No claim for wife.

Children:

<u>Joseph L. Hawkins</u>	<u>19</u>
<u>Rosabelle</u>	<u>" 16</u>
<u>Reno L.</u>	<u>" 7</u>
<u>Jack</u>	<u>" 2</u>

Claims for self &  
Children

Choctaw MCR 4317

Claudie M. Hattenbach

See MCR 451

MCR 4317



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., December 10, 1902.

4517.

In the matter of the application of Claudie M. Hattenbach for the identification of herself and her minor child, Blanche Hattenbach, as Mississipp Cheetaws.

---Represented by L.P. Hudson, attorney---

Claudia M. Hattenbach, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Claudia M. Hattenbach.  
Q What is your age? A Twenty one.  
Q What is your post office address? A Roff, Indian Territory.  
Q How long have you been living at Roff? A Been living at Roff ten years.  
Q Where were you born? A In Indian Territory.  
Q Always lived in Indian Territory? A Yes sir.  
Q What is your father's name? A William H. Hawkins.  
Q Is he living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Joe Hawkins.  
Q You claim through which parent, your father or mother? A Father.  
Q How much Cheetaw blood do you claim? A One sixteenth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or by the United States authorities in Indian Territory? A No sir.  
Q When and where were your father and mother married? A They were married in Texas.  
Q Do you remember the exact date? A No sir.  
Q Do you think that you can prove the marriage of your father and mother if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Are you married? A Yes sir.  
Q What is your husband's name? A George Hattenbach.  
Q Do you make any claim for him? A No sir.  
Q Is he a white man? A Yes sir.  
Q Have you any children you want to make application for? A Yes sir.  
Q How many children have you? A One.  
Q What is the name of that child? A Blanche.  
Q How old is Blanche? A Three years old.  
Q Is George Hattenbach the father of Blanche? A Yes sir.  
Q Was he ever married before he married you? A No sir.  
Q Were you ever married before you married him? A No sir.  
Q You claim for yourself and child? A Yes sir.  
Q When and where were you married to your husband if you remember  
A Here in the territory.

- Q Do you remember what place? A At Reff.
- Q By a minister and under license? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for enrollment as a Choctaw citizen to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application for enrollment as a Choctaw Indian you have ever made either to the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Do you now come before this Commission for the purpose of being identified and for the identification of this child as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, because it was made in Mississippi at a place by that name on the 27th days of September, 1830, and ratified on the 24th day of February, 1831, was a treaty made between the Choctaw Indians, who lived at that time in Mississippi and Alabama, and the United States government. The purpose of that treaty was to get all of the Choctaw Indians who lived in Mississippi and Alabama to move to the territory --to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became known that a great many Choctaw Indians living in the old Choctaw Nation, would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests, article fourteen was put into that treaty. An article in a treaty is a sub-division of it. That fourteenth article which was put into that treaty for the especial benefit of those Choctaw Indians desiring to remain in the old Choctaw Nation, reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over to 2 years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article of that treaty? A Yes sir.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather.
- Q What was his name? A Hawkins.
- Q Do you know his first name? A Samuel Hawkins.
- Q Do you know what his father's full name was? A No sir.
- Q Did Samuel Hawkins live in Mississippi at any time? A Yes sir.
- Q Do you know at what place in Mississippi? A No sir.
- Q Where was he born? A I don't know.
- Q When was he born? A I couldn't tell you.
- Q When and where did he die? A I don't know.
- Q Did he speak the Choctaw language or have an Indian name? A No sir.
- Q Did he remain in Mississippi all his life? A No sir.
- Q Where did he go to from Mississippi? A I can't tell you where he went.
- Q How old would he be if living now? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on lands in Mississippi or Alabama in 1830? A No sir.
- Q Do you know if Samuel Hawkins lived in Mississippi in 1830 and had a family there at that time? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir.
- Q Did any of your Choctaw ancestors to your knowledge go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land or receive any benefits under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors claim or receive any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q Did any of your Choctaw ancestors claim any rights or benefits under any other treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir.

The Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of that article of that treaty to go to the United States Indian Agent within six months from the ratification of that treaty and tell him they wanted to stay in Mississippi, take land there and eventually become citizens of the United States. A great many Indians did this whose names Colonel Ward failed to put upon his list. This failure on the part of the United States Indian Agent in this matter caused a great many Indians who had land in Mississippi to have that land and the improvements upon it taken from them by the government and sold at its public land sales. This caused so

many complaints among the Indians that Congress in 1837 appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842, Congress appointed another Commission for the same purpose, and this Commission also heard claimants in Mississippi under article fourteen of that treaty of 1830.

Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty? A No sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also appeared that he had previously had his land taken from him by the government and sold, he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate or scrip as it was called should be given to him to that effect.

Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A No sir.

Q Have you any proof you want to present now in support of this claim?

Here L.P.Hudson, attorney for applicant, asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything more you would like to say in support of this claim? A No sir.

Q Have you any relatives who have appeared before this Commission to be identified as Mississippi Choctaws? A Yes sir, my father and my uncle.

Q Your father's name is what? A William H. Hawkins.

Q And your uncle's name? A George A. Hawkins.

Q Do you want to have their testimony considered with yours when yours is examined? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Dark complexion, dark eyes, very dark hair nearly black. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of

4817-----5.

said proceedings on said date.

*H. H. H. H.*

Subscribed and sworn to before me at Muskegea, Indian Territory this 17 Day of December, 1901.



Commissioner.

COPY.

M.C.R. 4317

Muskegee, Indian Territory, September 4, 1902.

Claudio M. Hattenbach,

Roff, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Hawkins, et al.,	M.C.R.	451
Claudio M. Hattenbach, et al.,	"	4317
George A. Hawkins, et al.,	"	4316
Caroline Elizabeth Stout, et al.,	"	4348
Annie Susanna Doughty, et al.,	"	4349

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Claudia M. Hattenbach

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Hawkins, Sallie E. Hawkins, Jason C. Hawkins, Maudie A. Hawkins, Delia R. Hawkins, Willie Hawkins, Perrie P. Hawkins, Jessie J. Hawkins, Basie D. Hawkins, Claudia M. Hattenbach, Blanche Hattenbach, George A. Hawkins, Joseph S. Hawkins, Rosabelle Hawkins, Rene L. Hawkins, Jack Hawkins, Caroline Elizabeth Stout, Samuel Thomas Doyal, Augustus Harry Doyal, Annie Susanna Doughty, Hettie Reed Doughty, Minnie Lee Doughty, Lillie May Doughty, Cletie Doughty and John Alfred Dewy Doughty as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tame Doby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 5, 1902.

Claudio M. Hattenbach,

Roff, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Hawkins, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

SIGNED

Tamm  
Acting Chairman.



No. 4217

For Identification as a Mississippi Choctaw.

Date SEP 19 1901

Name Claudie M. Hattenbach

Age 21 Blood 1/16

Post Office, Roff, D. T.

Father: William H. Hawkins, L.

Mother: Joe " d

Claims through father -  
husband

George Hattenbach w.

No. claim for husband

Children:

Blanche " 3

Claims for self  
and child -

H. C. Ransom

No. 4211

For Identification as a Mississippi Choctaw.

Date 12/10/1906

Name Claude J. Hottelock

Age 21 Blood 1/16

Post Office, Roff

Father: N. H. Hawkins

Mother:

Claims through Father

Husband Gen. Hottelock  
J. H. Hottelock, H. 3

Children:

Stenographer H. E. R.

Choctaw MCR 4318

Mollie Beck

See MCR 1407

MCR 4318

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Colbert, I. T., June 11, 1900.

In the matter of the application of Mollie Beck, for herself and children, for enrollment as a Choctaw by blood; being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q - What is your name? A - Mollie Beck.  
Q - How old are you? A - 35.  
Q - What is your post office address? A - Reff, Ind. Ter.  
Q - How long have you been living there? A - 4 years.  
Q - Been living there continuously ever since you first came there? A - Yes, sir.  
Q - Where did you come from to there? A - Hopkins County, Texas.  
Q - How long did you live in Texas? A - Ever since I was born.  
Q - Lived there all your life? A - Yes, sir.  
Q - Do you make application as a Choctaw Indian by blood? A - Yes, sir.  
Q - What is the name of your father? A - John Clapp.  
(The Tribal Rolls examined, and the name of John Clapp not found thereon.)  
Q - Is he living? A - Yes, sir.  
Q - Is he a white man or a Choctaw Indian? A - Choctaw Indian by blood.  
Q - Has his name ever been on the Choctaw Tribal rolls? A - I don't know, I have heard it was.  
Q - Did he ever draw any Choctaw money? A - Not that I know of.  
Q - Was he ever recognized by the Choctaw authorities as a Choctaw Indian by blood? A - Yes, sir, that is what I have always heard.  
Q - You have always heard that he claimed to be a Choctaw, but have you ever heard that he was recognized by the Choctaw authorities? A - Yes, sir.  
Q - Do you know what roll he was on? A - No, sir.  
Q - Do you know what county in the Choctaw Nation he claimed to belong to? A - No, sir.  
Q - Do you know what proportion of Choctaw blood he claimed to have? A - About 1/4 I reckon.  
Q - What was the name of your mother? A - Liza McFarland.  
Q - Is she living? A - Yes, sir.  
Q - Is she a white woman? A - Yes, sir.  
Q - What proportion of Indian blood do you claim to have? A - About 1/16 I reckon.  
Q - Did your name ever appear on the tribal rolls of the Choctaw Nation? A - Not that I know of.  
Q - Did you ever make application to the Choctaw Tribal authorities for enrollment as a citizen of the Choctaw Nation by blood? A - No, sir, I never did.  
Q - Did you apply to the Dawes Commission in 1896? A - We was up there, but they would not hear us, in 1898.  
Q - Did you apply to the Dawes Commission in 1896 for admission as a citizen of the Choctaw Nation, four years ago? A - We were up there, but we never done anything.  
Q - Then I understand you to say you didn't do anything, that right? A - Yes, sir.  
Q - Then I understand you to say you didn't apply to the Dawes Commission, is that right? A - Yes, sir, I reckon so, we didn't do anything.  
Q - Don't you know whether you applied to the Dawes Commission in 1896 or not? A - No, sir, we did not.  
Q - You didn't apply, is that right? A - Yes, sir.  
Q - Is this the first application you ever made to this Commission? A - Yes, sir.  
Q - This is the first application you have ever made to anybody for enrollment as a Choctaw? A - Yes, sir.

Mollie Beck - 2.

Q - Are you married? A - Yes, sir.  
Q - Are you making any application for your husband?  
A - Yes, sir.  
Q - Have you any children? A - Yes, sir.  
Q - Do you apply for them? A - Yes, sir.  
Q - When were you married? A - In 1885.  
Q - Where? A - In Hopkins County, Texas.  
Q - You were married under Texas law? A - Yes, sir.  
Q - What was the name of your husband? A - John Beck.  
Q - Are your children living with you? A - Yes, sir.  
Q - Have they lived in the Territory for four years? A - Yes,  
sir.  
Q - Where were they born? A - Same as I was, in Texas.  
Q - Do you claim that they are Choctaw Indians by blood, do you?  
A - Yes, sir.  
Q - What are the names of your children under 21 years of age  
and unmarried? A - Minnie M., born November 6, 1886; Camps H.,  
born November 12, 1888, Marvin M., born June 2, 1891; Bently H.,  
born July 28, 1893; Ray Hooper, born September 26, 1895; Mary G.,  
born January 5, 1900.  
Q - Is there any additional statement you would like to make  
at this time? A - No, sir.  
Q - Have you any papers you would like to file with us? You  
will be permitted to file with the Commission any additional evi-  
dence in the form of statements or affidavits or other proper  
papers which you may desire. This testimony and such additional  
evidence as you may be pleased to leave with the Commission will be  
forwarded to the Honorable Secretary of the Interior for examination  
when the rolls of the citizens of the Choctaw Nation are sent to  
him for final approval.

Your enrollment and the enrollment of your children is re-  
fused for the reason that your names do not appear upon the Tribal  
rolls of the Choctaw Nation now in the possession of this Commission  
and for the additional reason that this testimony and the records  
show that you have never been recognized by the properly constituted  
Tribal authorities of the Choctaw Nation as a Choctaw Indian by  
blood, and neither you nor your children were admitted by the Com-  
mission to the Five Civilized Tribes acting under the law of June  
10, 1896, or by a judgment of the United States Court in the Indian  
Territory.

Bruce C. Jones, being duly sworn, says that as stenographer  
to the Commission to the Five Civilized Tribes he reported the tes-  
timony in the above application, and that the foregoing is a full,  
true and correct transcript of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 13 Day of June, 1900.

[Signature]  
Commissioner.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Washoe, I. T., December 18, 1901.

4315.

In the matter of the application of Mollie Beck for the identification of herself and her six minor children, Minnie M., Comps M., Marvin M., Bently M., Ray R., and Mary S. Beck, as Mississippi Choctaws.

--Represented by L.F. Hudson, attorney for applicant--

Mollie Beck, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mollie Beck.  
Q What is your age? A Thirty five.  
Q What is your post office address? A Roff.  
Q Indian Territory? A Yes sir.  
Q How long have you lived at Roff? A Five years.  
Q Where were you born? A I was born in Hopkins county, Texas.  
Q How long did you live there? A I lived there thirty years.  
Q You always lived there until you removed to Roff? A Yes sir.  
Q What is your father's name? A John Clapp.  
Q Is he living or dead? A He is dead now.  
Q Is your mother living or dead? A She is living.  
Q What is her name? A Eliza.  
Q Through which parent do you claim Choctaw blood? A Through my father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.  
Q When were your father married? A In Texas somewhere.  
Q You don't remember the place or the date? A No sir, it was in Hopkins county, I reckon.  
Q Do you think you can introduce proof of the marriage of your father and mother if given reasonable time? A Yes sir, I could, I guess.

Reasonable time will be allowed.

- Q Are you married? A Yes sir.  
Q What is your husband's name? A John Beck.  
Q Is he a white man or Indian? A White man.  
Q Do you make any claim for him? A No sir.  
Q Have you any children you want to make application for under twenty one years of age and unmarried? A Yes sir, I have six.  
Q Give the name of the oldest? A Minnie M.  
Q How old is she? A Fifteen.  
Q Next? A Comps M., 13, Marvin M., 10, Bently M., 8, Ray R., 6, Mary S., one year old.  
Q Is John Beck the father of these children? A Yes sir.  
Q Has he ever married before your marriage to him? A No sir.  
Q Were you ever married before you married him? A No sir.  
Q You make application for yourself and these children? A Yes sir.

Hollie Beck--2.

Q Were you married to him by a minister and under license?

A Yes sir.

Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory?

A No sir.

Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation in Indian Territory? A No sir, I made application at Colbert.

Q You made application to the Commission to the Five Civilized Tribes at Colbert, did you not? A Yes sir.

Q That was made under the act of Congress of June 10, 1896?

A Yes sir.

The records of the Commission show that this applicant made personal appearance before this Commission at Colbert, Indian Territory, on June 11, 1900 (Choctaw R-569) and made application for enrollment as citizens of the Choctaw Nation by blood of herself and her six minor children; that said application was refused under the law of June 28, 1898, and a copy of the decision of the Commission mailed to the applicant. The record then made is now made a part of the record in this application, of the applicant for identification of herself and her minor children as Mississippi Choctaws.

Q Do you now come before the Commission for the purpose of identifying yourself and these children for whom you make application as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi, and was made for the purpose of the removal of all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into that treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Hellie Beck-----3.

- Q Do you know whether any of your ancestors if Choctaw Indians complied or attempted to comply with the provisions of that article of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified at this time? A My grandfather.
- Q What was his name? A David Clapp.
- Q You claim through him? A Yes sir and my father.
- Q Did David Clapp ever live in Mississippi? A I have heard he did.
- Q Where was he born? A Born in Mississippi I reckon.
- Q Do you know? A That is where he came from.
- Q Do you know that he was born there? A No.
- Q Where did he die? A He died in Red River county.
- Q In Texas? A Yes sir.
- Q How old would David Clapp be if living now? A I don't know, he would be over one hundred years old.
- Q Did he speak the Choctaw language? A I don't know.
- Q Did he have an Indian name? A His name was David.
- Q How much Choctaw blood did he have? A He was one half.
- Q How do you know he was one half Choctaw? A I have always been taught that.
- Q Who taught you that? A My father.
- Q Did your father ever live in Mississippi? A No sir.
- Q Where did he live? A In Texas.
- Q Always lived in Texas? A He was born in Red River in Texas.
- Q Did any of your Choctaw ancestors own improvements in Mississippi or Alabama in 1830? A No sir.
- Q Did David Clapp live in Mississippi in 1830 and have a family there at that time. A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1835 and 1839? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim any rights or any benefits or any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors claim any rights or benefits or privileges of any kind under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of that article of that treaty to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of that treaty and register their names with him as Indians who desired to stay in the old Choctaw Nation in Mississippi and Alabama, take land there and become citizens



Mollie Beck-----4.

of the United States. A great many Choctaw Indians did that whose names were not placed upon Ward's Register. They registered or attempted to do so, but the Indians Agent failed to record their names. This caused a great many Indians who had land in Mississippi to lose both their lands and improvements. Both were taken from the Indians and sold by the government. There were so many complaints made about it that Congress in 1837 appointed a Commission, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830, and Congress also appointed another Commission in 1842 for the same purpose. And this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

Q Do you know if any of your Choctaw ancestors appeared either before the Commission of 1837 or the Commission of 1842 and claimed any benefits under article fourteen of that treaty? A No sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indians proved their claims under article fourteen of the treaty of Dancing Rabbit Creek, and if it also further appeared that they had had their land taken from them by the government and sold, they should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, and that he should receive a certificate or scrip as it was called to that effect.

Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any evidence of any kind that you wish to present now? A No sir.

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

Q Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A Yes sir.

Q Will you name them? A Eliza Clapp, Mary Eliza Clapp, John Clapp, David Clapp.

Q They all claim through the same common ancestor? A And I had a brother, George Clapp, too.

Q Do you want to have the testimony in these cases considered with your testimony A Yes sir.

By L. P. Hudson, attorney for applicant:

Q Mrs Beck, when you appeared before the Commission at Colbert, did you go there for the purpose of making application for identification as a Mississippi Choctaw? A Yes sir, I went for that purpose.

Q Then when you were examined that time as an applicant by blood that was a mistake? A Yes sir.

Q At that time, Mrs Beck, was it customary for the attorney to

Mollie Beck-----5.

appear with the party, or did the party just appear alone? A I don't understand.

Q Was it the rule for the attorney to be allowed to appear with the party or did the party have to go before the Commission alone? A The attorney appeared.

Q Did you understand that your examination at that time was as a Mississippi Choctaw? A Yes sir.

Q But you have recently found out that was a mistake? A Yes.

Q And you came here at this time for the purpose of making this change in your application? A Yes sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage. Dark complexion, dark eyes, brown hair. She has no knowledge of the Choctaw language and does not know of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 17 day of December, 1901.



Commissioner.

Chester H 571  
H.C.R. 4310

Muskogee, Indian Territory, July 26, 1902.

W. B. Callahan,

Reff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you desire to be informed if J. H. Beck of Reff, Indian Territory and George Glapp of the same place, are enrolled as citizens of the Chester or Chickasaw Nations.

Replying to your communication you are advised that it appears from our records that at Colbert, Indian Territory, on June 11, 1900, George Glapp, 22 years of age, of Reff, Indian Territory, made application to this Commission for enrollment as a citizen by blood of the Chester Nation.

The name of this applicant is not found upon any of the Chester tribal rolls in our possession nor does it appear that he has ever been admitted to Chester citizenship.

The Commission has not up to this time rendered any decision relative to the rights of this applicant to be finally enrolled but it is probable that such decision will be rendered in the near future. The applicant will be duly notified of such action as may be taken by the Commission and of the forwarding of the record in the case to the Secretary of the Interior for his

F D C 2

review.

We do not find that any application has ever been made by any person by the name of J. H. Beck but at Muskogee, Indian Territory, on December 10, 1901, Nellie Beck, 38 years of age, of Reff, Indian Territory, made personal application to the Commission for the identification of herself and her six minor children as Mississippi Choctaws. No decision has yet been rendered in this case but the same is now receiving the consideration of the Commission and will possibly be disposed of in the near future. The present status of these persons is that of applicants for identification as Mississippi Choctaws whose rights have in no manner been determined.

Yours truly,

Commissioner in Charge.

Choctaw R 871  
M. C. R. 8818

Muskogee, Indian Territory, July 28, 1902.

U. G. Winn,

Reff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, in which you desire to be informed if George Clapp and Mollie Beek are listed for enrollment as Indian citizens.

Replying to your communication you are advised that it appears from our records that at Colbert, Indian Territory, on July 11, 1900, George Clapp, 22 years of age, of Reff, Indian Territory, made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation. The name of this applicant is not found upon any of the Choctaw tribal rolls in our possession nor does it appear that he has ever been admitted to Choctaw citizenship.

The Commission has not up to this time rendered any decision relative to the rights of this applicant to be finally enrolled but it is probable that such decision will be rendered in the near future. The applicant will be duly notified of such action as may be taken by the Commission and of the forwarding of the record in the case to the Secretary of the Interior for his review.

It also appears that on September 10, 1901, Nellie Beck, 35 years of age, of Reff, Indian Territory, made personal application to the Commission for the identification of herself and her six minor children as Mississippi Choctaws. No decision has yet been rendered in this case but the same is now receiving the consideration of the Commission and will possibly be disposed of in the near future. The present status of Nellie Beck and her children is that of applicants for identification as Mississippi Choctaws whose rights have in no manner been determined.

Yours truly,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Mollie Beck,

Reff, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elisha Clapp, et al., embracing the following applications for identification as Mississippi Choctaws:

Elisha Clapp, et al.,	M.C.R. 1407
Campbell E. Galt, et al.,	" 1234
Mollie Beck, et al.,	" 4318
David Clapp, et al.,	" 1404
Mary M. Clapp,	" 1408
John W. Clapp,	" 1405.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M.B. #2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elisha Clapp, David E. Clapp, Wilburn S. Clapp, Evey L. Clapp, Carrie E. Clapp, Elisha Clapp (2), T. L. Clapp, Campbell E. Galt, Wilborn J. Galt, Mollie Beck, Minnie M. Beck, Compa H. Beck, Marvin E. Beck, Bentley E. Beck, Ray R. Beck, Mary G. Beck, David Clapp, Melton Clapp, James W. Clapp, John A. Clapp, Elisha P. Clapp, William T. Clapp, Vinnie O. Clapp, David O. Clapp, Bessie Clapp, Odom Clapp, Mary E. Clapp and John W. Clapp, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SECRET

*Tame Dixby,*  
Acting Chairman.

Registered.



M.C.R. 4318

Muskogee, Indian Territory, December 22, 1903.

Mollie Beck,

Roff, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elisha Clapp, et al., of which decision you were advised by registered mail on the 3d day of September, 1903.

Respectfully,

*Jennie L. ...*  
Acting Chairman.

M C R 4318  
M C R 6083

Muskogee, Indian Territory, March 3, 1903.

Mollie Beck,

Boff, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you ask to be advised if Willy Neal, who claims to be a Mississippi Choctaw, is a legal citizen of the Choctaw Nation. You state that you desire to sell him your claim.

In reply to your letter you are informed that it does not appear from the records of the Commission that any person by the name of Willy Neal is listed for enrollment as ~~either~~ a citizen or freedman of either the Choctaw or Chickasaw Nation, or as an applicant for identification as a Mississippi Choctaw.

Our records do show, however, that William C. Neal, fifty-seven years of age, present post office address Center, Indian Territory, is an applicant for the identification of himself and his minor son Louis C. Neal as Mississippi Choctaws.

If the person named in this application is identical with the person about whom you inquire, you are advised that the Commission has not up to the present time reached any opinion or decision relative to his right to be identified as such Mississippi Choctaw, but is now considering his application and it is probable a decision will be rendered in the near future. He will be duly noti-

fled of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Relative to the right of Mississippi Choctaw claimants to hold land in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902; which was ratified by the citizens of the Choctaw and Chickasaw Nations, September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that William C. Neal and his minor son are at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 26, 1903.

Mollie Beck,

Roff, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state "I made a mistake in the name I wrote you a while back about William Neal. It should have been Willy Smith and wife John Neal and their post office address is Roff, I. T." You state that these parties claim to have been "inrolled" in Mississippi.

In reply you are informed that our records show several persons by the name of William and Willie Smith and John Neal listed for enrollment as citizens of the Choctaw Nation and as applicants for identification as Mississippi Choctaws. Until more specific information is given us concerning these parties about whom you make inquiry, the Commission cannot advise you further.

Respectfully,

Chairman.

# MEMORANDA.

Name Mollie Beck. (33) (Date) June 11, 1900.  
Boff, D.J.

Choctaw? yes County \_\_\_\_\_ Year \_\_\_\_\_ No. \_\_\_\_\_

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? yes 16 Mother's citizenship U.S.

**Intermarried citizen?** .....

Married under what law? Texas

License filed this day, .....

Wife's name, \_\_\_\_\_

**Choctaw?** ..... **County** ..... **Year** ..... **No.** .....

[illegible]

**Citizen by blood?.....** **Mother's citizenship.....**

Intermarried citizen? (11-11-00)

Married under what law? .....

**License filed this day** \*\*\*\*\*

**Names of children:**

County	Year	Page	No.
--------	------	------	-----

Minnie M. County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

County, Franklin H. Nov. 12, 1888 Year Page No.

Marion E. Dent, 10, 1890, Year Page No.

Bearshire July 21 1893

Ray Hooker County Year Page No.

Index G. Jan. 5-1900 Year..... Page..... No.....

County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

County	Year	Page	No.
Adams	1880	1	1
Adams	1880	2	2
Adams	1880	3	3
Adams	1880	4	4
Adams	1880	5	5
Adams	1880	6	6
Adams	1880	7	7
Adams	1880	8	8
Adams	1880	9	9
Adams	1880	10	10
Adams	1880	11	11
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Adams	1880	99	99

County \_\_\_\_\_ Year \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

John Glapp. (Father)  $\frac{1}{4}$ .  
Liza McFarland. (mother)

Department of the Interior,  
Commission to the Five Civilized Tribes,  
CHOCTAW-CHICKASAW ENROLLMENT.

Letter file No. 7531-1901

Name J. J. Flueharty

P. O. Address Gupton Springs Tex

Date 3/20/01

Report

Mellie R. R. et al

7-R 309

For

Can have it if he  
wants to pay for it.

Stenographer

## For Identification as a Mississippi Choctaw.

Date

DEC 10 1901

Name *Mollie Beck*Age *35*

Blood

*1/8*Post Office, *Raff. D. T.*Father: *John Clapp, d*Mother: *Eliza " h*

Claims through *father*  
*husband* *John Beck, w.*  
*No claim for husband*

Children:~

*Minnie M. Beck 15**Comp & H " 13**Marvin E. " 10**Bentley E. " 8**RAY R " 6**Mary H. " 1**Claims for self &**children*

Choctaw MCR 4319

Montezuma V. Walker

See MCR 3800

MCR 4319



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

4319.

In the matter of the application of Montezuma V. Walker for the identification of himself and one minor child, Sarah C. Walker, as Mississippi Choctaws.

-----Represented by J.E. Arnold, Attorney-----

Montezuma V. Walker, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Montezuma V. Walker.  
Q What is your age? A Forty nine.  
Q What is your post office address? A Rubyville, Tennessee.  
Q How long have you lived in Tennessee? A About four years.  
Q Where did you live before you lived there? A In Mississippi.  
Q How long did you live in Mississippi? A About forty five years.  
Q Were you born there? A Yes, born and raised there.  
Q Where were you born? A DeSoto county, Mississippi.  
Q What is your father's name? A Jephtha V. Walker.  
Q Is he living? A No sir, he is dead.  
Q Is your mother living or dead? A She is living.  
Q What is her name? A Lucy A. Walker.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q When and where were your father and mother married? A They were married in DeSoto county, Mississippi.  
Q Do you remember the date? A 1851.  
Q Do you remember the day of the month? A No sir.  
Q Have you the proof of their marriage with you now? A Yes sir.  
Q Do you intend to file it later in this case? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Katura E. Walker.  
Q Is your wife a white woman or an Indian? A She is white.  
Q You make no claim for her? A No sir.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A I have one.  
Q What is the name of that child? A Sarah C.  
Q How old is she? A She is twelve years old.  
Q You make application for yourself and this child? A Yes sir.  
Q Is Katura E. Walker the mother of Sarah C.? A Yes sir.  
Q When and where were you married to your wife? A In Tate County, Mississippi.  
Q Do you remember the date of that marriage? A The sixth day of November, 1873.  
Q By a minister and under license? A Yes sir.  
Q Have you the proof of your marriage with you? A No sir, I have not.

Montezuma V. Walker-----2.

Q Do you think you can introduce that evidence if given reasonable time? A Yes sir.

Reasonable time will be allowed for that purpose.

Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and child? A No sir.

Q Have you ever made application for enrollment for yourself and your child as citizens of the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been enrolled with your child as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I have not.

Q Do you come before the Commission now for the purpose of identifying yourself and this child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand the provisions of article fourteen of that treaty? A I think so.

Q Do you care to have it further explained to you? A I wouldn't object.

The treaty of Dancing Rabbit Creek was made between the government of the United States and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. It was made for the purpose of effecting the removal of all of the Choctaw Indians who lived in the old Choctaw Nation from that nation to the Choctaw Nation in Indian Territory. Before the treaty was signed, it became known that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Montezuma V. Walker-----3.

- Q Do you understand that article of that treaty? A Yes sir.
- Q Did any of your ancestors comply with any of its provisions to your knowledge? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Booth.
- Q What is the full name? A Sarah Booth, my grandmother--my father's mother.
- Q How much Choctaw blood did she have? A About one half.
- Q How do you know she had one half Choctaw blood? A I heard my father speak of it many a time.
- Q Did you ever see her? A No sir.
- Q She died before your time? A Yes sir.
- Q Did she ever live in Mississippi or Alabama? A I think so.
- Q Where did she live? A I don't know exactly the place.
- Q Do you know whether she lived in Mississippi or in Alabama?
- A She lived in Alabama I think, but I don't know what part of Alabama.
- Q What makes you think she lived in Alabama? A I heard my father speak of it. We have no record only what he has told me.
- Q Did she speak the Choctaw language or have a Choctaw Indian name? A I think she spoke the Choctaw language.
- Q Do you know? A No, I don't know.
- Q You must testify to what you know and not what you think--You don't know whether she ever spoke the Choctaw language? A I say only from what my father said.
- Q Then you don't think, but you know from what your father told you? A Yes sir.
- Q That is a matter of family history and tradition, is it not?
- A Yes sir.
- Q How old would your grandmother, Sarah Booth, be if she were living now? A I think she was born in 1799, the best I heard my father say.
- Q Do you recollect hearing your father say she was born in 1799?
- A Well, along about that date.
- Q Where was she born? A I think she was born in Alabama--That is the impression my father left with me.
- Q Did your father ever live in Mississippi or Alabama? A Yes sir, he lived in Mississippi.
- Q Where did he live in Mississippi? A DeSoto County, Mississippi.
- Q Did he live there in 1830? A No sir.
- Q Did Sarah Booth live in Mississippi or Alabama in 1830 and did she have a family there at that time? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1823 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?
- A I do not know.
- Q Did they claim any land under any other article of that treaty

Montezuma V. Walker-----4.

than article fourteen or under the supplement of that treaty?

A Not that I know of.

Q Did any of your Choctaw ancestors claim any benefits or privileges under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A Not that I know of.

Those Indians who remained in Mississippi and Alabama after the treaty of 1830 was ratified were required by the provisions of article fourteen of that treaty, if they desired to take advantage of it, to go to the United States Indian Agent within six months from the ratification of the treaty of 1830 and register their names with him as Indians who desired to stay in Mississippi and take land there. A great many Indians did this whose names were not placed upon the United States Indian Agent's list, called Ward's Register. His neglect to make a full and complete list of the names of all claimants under that article of that treaty caused a great many Indians who had land in Mississippi to lose the land and improvements upon it. Both were taken from them by the government and sold at its public land sales. This caused so many complaints that Congress appointed a Commission in 1837 and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act approved August 23 of that year, Congress appointed another Commission for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before either the Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty? A I don't know sir.

The act of Congress approved August 23, 1842, provided that where any Indian had proven his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had his land taken from him by the government, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No sir.

Q Have you any relatives who have been before this Commission before today, to be identified? A I have a brother that was registered here some time ago.

Q What was his name? A Jabun M. Walker.

Q Any others? A Not that I know of, ---Yes, John W. Lipsey.

Q Do you want to have their testimony and yours to be taken in consideration together with they are examined by the Commission?

A Yes sir.

Q Is there anything more you want to say? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Montezuma V. Walker-----5.

Q Have you any documentary evidence or any other proper evidence you want to present now? A No sir.

Q Do you want time?

Mr Arnold:--We would like Reasonable time.

The Commission:--For the taking of depositions?

Mr Arnold:--Yes, and to introduce other proper evidence.

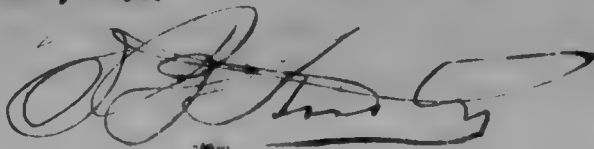
Reasonable time will be allowed for the introduction of proper testimony in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; ruddy complexion, dark brown eyes, hair gray, formerly black. He does not understand the Choctaw language, and has ~~no knowledge of any compliance on the part of his ancestors~~ with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 17<sup>th</sup> day of December, 1901.



Commissioner.

Muskogee, Indian Territory, January 11, 1902.

J. W. Arnold,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the ninth instant, inclosing certified copy of the marriage license and certificate of J. V. Walker and Lucy Ann Blair, which you offer for filing in support of the application for identification as Mississippi Choctaws of Montezuma V. Walker, et al. The same has been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

MC 4319

COPY.

M.C.R. 4319.

Muskegee, Indian Territory, July 29, 1903.

Montezuma V. Walker,

Rubyville, Tennessee.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

*T. B. Neel*  
Commissioner in Charge.

COPY.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4319.

ADDRESS ONLY TO THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Montezuma V. Walker,  
Rubyville, Tennessee.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534



Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Farnson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898. (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

*Fame Dixie*

Acting Chairman.

## For Identification as a Mississippi Choctaw.

Date

DEC. 10 1901

Name *Montezuma V. Walker*

Age

*49*

Blood

*1/8*Post Office, *Rubyville, Tenn.*Father: *Jeptha V. Walker, d.*Mother: *Lucy A. " l.*'Claims through *father*  
*wife, a**Keturah E. Walker, w.**No claim for wife —*

Children:

*Sarah C. Walker, 12**Claims for self &  
eluded*

Stenographer

*H. C. Ransom*

Choctaw MCR 4320

Nancy M. Beebe

See MCR 4049, 559

MCR 4320

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Mtoka, Ind. Ter. June 8, 1900.

In the Matter of the Application of :  
Nancy M. Beebe et al for Enrollment : R-554-Choc.  
as a Citizen of the Choctaw Nation. :  
-----:

Nancy M. Beebe, being first duly sworn, testified as follows:

By Acting Chairman Bixby:

- Q What is your name? A Nancy M. Beebe.  
Q What is your age? A 36 years.  
Q What is your postoffice address? A Beggy Depot, I. T.  
Q Do you live there? A Four miles from there.  
Q How long have you lived there? A We moved there last January.  
Q From where? A Jackson, I. T.  
Q How long have you lived in the Ind/ Ter.? A We come in here in '98  
Q Have you been here ever since? A Yes sir.  
Q Have you been outside of the Ty. in the last 3 years?  
A We havn't been out since we moved in.  
Q What month did you come here? A 4th day of Dec.  
Q Where did you come from? A Texas.  
Q How long had you lived in Texas? A Ten years.  
Q Where had you lived before that? A Arkansas.  
Q How long had you lived in Arkansas? A Four years.  
Q Where did you live before that? A Mississippi.  
Q Were you born in Miss? A No, I was born in Alabama.  
Q Do you make application for enrollment as a Choctaw Indian by blood?  
A Yes sir.  
Q What is your father's name? A Pumphrey Stanphill.  
Q Is he living? A No, he is dead.  
Q Was he a Choctaw Indian? A No sir.  
Q He was a white man, was he? A Yes sir.  
Q What is the name of your mother? A Luticia Stanphill.  
Q What was her maiden name? A Luticia Sullinger.  
Q Is she living? A Yes sir.  
Q Is she a Choctaw Indian? A Yes sir.  
Q Is her name on the Choctaw rolls? A Yes sir.  
Q Do I understand you to say that her name is on the rolls of the  
Choctaw Nation? A Yes, that is what they say.  
Tribal rolls of the Choctaw Nation examined and it  
is found that the name of Luticia Stanphill does not  
appear thereon.  
Q You say your mother is a member of the Choctaw tribe? A Yes sir.  
Q Do you know how she became a member? A By blood; she is half Choc  
taw she claims.  
Q Didn't you know that she was first recognized as a Choctaw Indian  
by the United States Court? A Yes sir.  
Q Then as a matter of fact, you do not know that her name was ever on  
the Choctaw Indian rolls? A No, I don't know anything about it.  
Records examined and it is found that the name of Lu-  
ticia Stanphill, was admitted by a judgment of the  
United States court in the Ind. Ter. in the case of  
Chas. D. Sullinger et al, Citizenship Dec. C., 1896,  
p. 340, No. 841  
Application filed Sep. 7, 1896; answer Choctaw Nation  
filed; application denied by the Commission Dec. 4, '96  
Appeal taken to the U. S. court Central Dist. I. T.;  
judgment of the Commission reversed.  
Q What proportion of Choctaw blood does your mother claim to have?

2-Nancy M. Beebe.

A One-half.

Q What county in the Choctaw Nation does she claim to belong to?

A She was living in Blue Co.

Q That is your reply to my question? A Yes, you see we haven't been living here long.

Q Has your name ever been on the rolls of the Choctaw Nation?

A No.

Q Did you ever apply to the Choctaw tribal authorities for enrollment as a Choctaw by blood? A No, not until now.

Q This is the U. S. authorities you are applying to now. You never did apply to the Choctaw Tribal authorities? A No sir.

Q When did you first ascertain that you were an Indian? A I don't-- We have always been knowing it.

Q Did you apply to the Dawes Commission in '96? A No sir.

Q This is your first application? A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Wm. H. Beebe.

Q Are you claiming citizenship for him? A No sir.

Q Where were you married? A In Texas.

Q When? A In 1880.

Q Have you any children? A Yes sir.

Q Do you make application for them? A Yes sir.

Q Give the names of your children under 21 years of age, land Mary E., 7 and Lily Bell, 3 years., Luciana A., 15, and

Q Do these children live with you? A Yes sir.

Q Their postoffice address is the same as yours? A Yes sir.

Q Is there any additional statement in regard to your case that you desire to make at this time? A No sir.

Q Are there any papers you wish to file? A I have not any with me.

Q You will be permitted to file any additional evidence or other proper papers which you may desire to present. This testimony and any other papers you may wish to leave with the Commission, will be forwarded to the Hon. Secretary of the Interior, when the rolls of the citizens of the Choctaw Nation are sent to him for his final approval.

Your enrollment and the enrollment of your children is refused for the reason that your names do not appear upon the Choctaw tribal rolls now in the possession of this Commission, and for the additional reason that it does not appear from the testimony that you have ever been, or that your children have ever been, enrolled as Choctaw Indians by blood by the properly constituted tribal authorities of the Choctaw Nation, or that you were admitted by the Commission to the 5 Civilized Tribes under the Act of June 10, 1896, or by a judgment of the U. S. Court in the Ind. Ter., and for the additional reason that you and your children did not remove to and in good faith become residents of the Nation in which you claim citizenship within the time required by law.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete transcript of said testimony.

Frances R. Brown

Subscribed in my presence and sworn to before me this 16th day of June, A. D., 1900.

Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., December 10, 1901.

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In the matter of the application of Nancy M. Beebe, et al  
for identification as Mississippi Choctaws, M.C.R-4320.

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In the matter of the application of Lutisha Armstrong,  
et al, for identification as Mississippi Choctaws, M.C.R-4321.

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--Applicants represented by J.E. Arnold,---

Charles E. Stamphill, called as a witness on behalf of  
applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Charles E. Stamphill.  
Q What is your age? A Forty.  
Q What is your post office address? A Cadde at the present time.  
Q What is your occupation? A Farmer.  
Q Are you related to Nancy M. Beebe? A Yes sir, she is my sister  
Q Are you related to Lutisha Armstrong? A She is a niece of mine.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I have been by the Commission and the United States Court.  
Q You were admitted by judgment of the United States Court? A Yes sir.  
Q When and where were you admitted? A I was enrolled at Durant.  
Q Were you living in the Choctaw Nation in 1896 and 1897? A I was living near Whitefield in the Choctaw Nation.  
Q You say you were admitted by judgment of the United States Court as a citizen of the Choctaw Nation? A Yes sir.  
Q In what case were you admitted? A Charles D. Sullinger vs. the Choctaw Nation.  
Q Were you present when that judgment was given? A No sir.  
Q How do you spell your name? A S-t-a-m-p-h-i-l-l.

A copy of the order of the United States Court in Indian Territory, Central District, in the possession of the Commission in case No. 47, shows that an order was made and entered of record admitting to citizenship, in the case of Charles D. Sullinger et al vs. the Choctaw Nation, Charles E. Stamphill.

- Q Is that your name? A Yes sir.  
Q Are you the same person who was admitted under the name of Charles E. Stamphill? A Yes sir, that is my name.

M.C.R. 4320 & 4321, ---2.

The Commission: Mr Arnold, do you desire to ask any questions?

Mr Arnold: No, that is all.

(Witness Excused)

M.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled causes as above, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on the 10th day of December, 1901.

*M.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory this, 20th day of December, 1901.



Commissioner.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

4320.

In the matter of the application of Nancy M. Beebe for the identification of herself and her five minor children, Charles P., Lutishia A., Minnie M., Mary E., and Lillie B. Beebe, as Mississippi Choctaws.

---Represented by J.E. Arnold, attorney---

Nancy M. Beebe, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Nancy M. Beebe.  
Q What is your age? A Thirty seven.  
Q What is your post office address? A Boggy Depot.  
Q Indian Territory? A Yes sir.  
Q How long have you lived there? A We have been there two years.  
Q Where did you live before you lived there? A We lived down at Jackson.  
Q Where is that? A Indian Territory.  
Q How long have you lived in Indian Territory? A Three years.  
Q Where did you live before you lived in Indian Territory? A In Texas.  
Q Where were you born? A Alabama.  
Q What place in Alabama? A I don't know.  
Q How long did you live in Alabama? A I don't know.  
Q When you left Alabama where did you go? A Mississippi.  
Q How long did you live in Mississippi? A I don't know.  
Q When you left Mississippi where did you go? A Arkansas.  
Q How long did you live in Arkansas? A Four years.  
Q At what point in Arkansas did you live? A Yell county.  
Q And when you left Arkansas where did you go? A Texas.  
Q And lived there until you came to the territory? A No sir, we just stayed there that time three years.  
Q And then you came to the territory? A We went back to Arkansas.  
Q How long did you stay in Arkansas that time? A Eight years.  
Q And then where did you go? A Back to Texas.  
Q And then where did you go? A Came over to the territory.  
Q What is your father's name? A Pumphry Stanphill.  
Q Is he living? A No sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Lutishia.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One quarter.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A Yes sir.  
Q Has she ever lived in Indian Territory? A Yes, she is living in Indian Territory now.  
Q What is she, a court claimant? A Yes sir.

Nancy M. Beebe-----2.

Q You say your mother, Lutishia Stamphill, is a citizen of the Choctaw Nation? A Yes sir.

The records of the Commission show that in the United States Court in Indian Territory, Central District, at a term thereof had and held at South McAlester in the Indian Territory, on the 24th day of August, 1887, present, the Honorable William H.H. Clayton, Judge of said Court, an order was made and entered of record in the case of Charles P. Sullinger et al vs. the Choctaw Nation, and judgment rendered in favor of Lutishia Stamphill and others, by which judgment they were admitted as citizens of the Choctaw Nation, number of case 47. Her name also appears upon Choctaw Roll card No. 3358.

Q Is this Lutishia Stamphill the same person whose name you now give as Lutishia Stamphill? A Yes sir, we spell the name S-t-a-m-p-h-i-l-l.

Q Are you married? A Yes sir.

Q What is your husband's name? A William H. Beebe.

Q Do you claim anything for him as a Choctaw Indian or is he a white man? A He is a white man.

Q Do you make any claim for him? A No sir.

Q Have you any children you want to make application for? A Yes sir.

Q What is the name of the oldest? A Charles P.

Q How old is he? A Eighteen.

Q Next? A Lutishia A.

Q How old? A Sixteen.

Q Next? A Minnie M.

Q How old? A Eleven.

Q Next? A Mary E., eight.

Q Next? A Lillie B., four.

Q Any others? A No sir.

Q Is William H. Beebe the father of these children? A Yes sir.

Q Was he ever married before he married you? A No sir.

Q Were you ever married before you married him? A No sir.

Q You claim for yourself and these children do you? A Yes sir.

Q When and where were you married to your husband? A We were married in Western Texas in Jones county.

Q What date? A 22nd day of August, 1880.

Q By a minister? A By a justice of the peace.

Q Under license? A Yes sir.

Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Did you ever make application for enrollment as or citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896? A Yes sir.

Q Did you make application five years ago? A No sir.

Q Did you ever make application for citizenship in the Choctaw Na-

Nancy M. Beebe-----3.

tion to the Commission to the Five Civilized Tribes at any time before this application; either for identification as a Mississippi Choctaw, or as a citizen by blood? A Yes sir.

The records of the Commission show that this applicant made personal appearance before this Commission at Atoka, Indian Territory, June 8, 1900, (Choctaw R-554), and made application for enrollment as a citizen by blood of the Choctaw Nation of herself and five minor children; that said application was refused under the law of June 28, 1898, and a copy of the decision of the Commission mailed to the applicant. The record then made is now made a part of this record in the application for the identification of herself and minor children as Mississippi Choctaws.

Q Do you now come before the Commission at this time for the purpose of identifying yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama at that time, and was made for the purpose of the removal of all of the Choctaw Indians who lived in the old Choctaw Nation to the new Nation in Indian Territory. Before the treaty was signed, it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into that treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article of that treaty? A Yes sir.

Q What is the name of your ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother--my mother, and then my grandmother.

Q What was your grandmother's name? A Sophie Sullinger.

Q Did she ever live in Mississippi? A Yes sir.

Q Did she live in Mississippi in 1830? A I don't know.

Namy M. Beebe-----4.

Q You don't know whether she had a family in Mississippi in 1830?

A No sir, I don't know.

Q How old would she be if living now? A I don't know exactly how old she would be.

Q Where was she born? A I don't know.

Q When did she die? A I think she died in Mississippi.

Q Do you remember when she died in Mississippi? A No sir.

Q Or at what place? A No sir.

Q Where was your mother born? A In Mississippi.

Q How old is your mother now? A She is seventy eight or seventy nine.

Q And was born in Mississippi? A Yes sir.

Q Do you remember the place in Mississippi? A No sir.

Q How long did she live in Mississippi? A I don't know.

Q When she left Mississippi where did she go? A To Arkansas.

Q Have any of your Choctaw ancestors ever owned any improvements on land in Mississippi or Alabama? A I don't know.

Q Did you ancestors, any of them, speak or understand the Choctaw language? A I don't know.

Q Or have Indian names? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

Q Did any of your Choctaw ancestors own or claim any land or any improvements or benefits of any kind under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors claim any land or receive any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

Q Did any of your Choctaw ancestors claim or receive any benefits of any kind under any treaty between the United States government and the Choctaws other than the treaty of 1830? A I don't know.

According to the provisions of article fourteen of the treaty of 1830, or the treaty of Dancing Rabbit Creek, those Indians who stayed in Mississippi and Alabama after the treaty of 1830 was ratified, if they desired to take advantage of the provisions of that article, were obliged to go to the United States Indian Agent within six months from the ratification of that treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Indians did this, but Colonel Ward, who was the Indian Agent, failed to place their names upon his register, and his failure to record the names of a great many Indians who held land in Mississippi caused them to lose their land and improvements. Both were taken by the government and sold at its public lands sales. This caused so many complaints that in 1837, Congress appointed a Commission which went to Mississippi and heard claimants under that article of that treaty, and in 1842 Congress appointed another Commission for the same purpose, by an act approved August 23 of that year, and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

Nancy M. Beebe-----5.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under article fourteen of that treaty? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under that article of that treaty and it also appeared that he had previously had his land taken from him by the government he should be entitled to select land either in Alabama, Mississippi, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any evidence of any kind that you would like to present now? A I have a brother here with me.

Q Is he older than yourself? A Yes sir.

Q Has he ever been admitted to citizenship by judgment of the United States Court? A Yessir.

Q Does he know anything more about this case than you have already testified to? A I don't know.

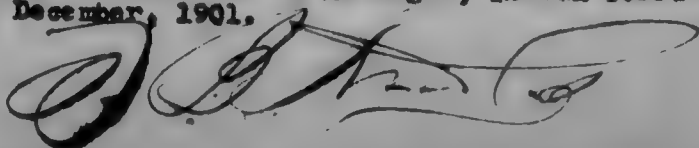
Q Have you had any relatives who have appeared before this Commission to be identified as Mississippi Choctaws previous to your application? A I don't know of anybody.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry composed of white and Indian blood, in which the white blood predominates. She has certain cast of features which indicate Indian blood; complexion is medium dark, dark eyes, black hair, hair growing low on the forehead. She does not understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830. In the opinion of the Commission she has the quantity of Choctaw blood which she claims.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H. C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 10th day of December, 1901.



Commissioner.

R. 554

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy M. Beebe for enrollment of herself and five minor children as citizens by blood of the Choctaw Nation.

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The applicant, Nancy M. Beebe, appeared before the Commission at Atoka, Indian Territory, June 8th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment of herself and her minor children, Charles P., Lutisha, Minnie M., Mary E. and Silly B., as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

It also appears from the evidence that the applicants had not removed to the Indian Territory in compliance with the act of June 28th, 1898, (Curtis Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application for enrollment as citizens by blood of the Choctaw Nation of Nancy M. Beebe and her minor children, Charles P., Lutisha, Minnie M., Mary E., and Silly B. Beebe, is therefore hereby refused.

BY THE COMMISSION.

  
\_\_\_\_\_  
Acting Chairman.

Muskogee, Indian Territory, August 30, 1900.



COPY.

Wichita, Indian Territory, December 1, 1902.

Nancy M. Beebe,

Hoggy Depot, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annie Elizabeth Stamphill, et al., embracing the following applications for identification as Mississippi Choctaws:

Annie Elizabeth Stamphill, et al.	M.C.R. 4049
Julia L. Stamphill,	M.C.R. 373
Mary Koston, et al.	M.C.R. 376
Estlin Myers Cleveland, et al.	M.C.R. 4050
Pathe J. Sartor, et al.	M.C.R. 4049
Sarah White, et al.	M.C.R. 5301
Mary Jeannette Stamphill,	M.C.R. 5302
Delphia A. Elliott, et al.	M.C.R. 5124
Ivory Burke, et al.	M.C.R. 5125
William F. Elliott,	M.C.R. 5389
Nancy L. Curtis,	M.C.R. 5290
Nancy M. Beebe, et al.	M.C.R. 4320
Lutisha Armstrong, et al.	M.C.R. 4321
Vincent S. Stamphill, et al.	M.C.R. 5379

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stat. 455), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may

administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.\*

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Elizabeth Stanphill, Martha Stanphill, Luther Stanphill, Beanie Stanphill, Ada Stanphill, Tom Stanphill, Marie Stanphill, Julia L. Stanphill (deceased), Mary Keeton, Laura Keeton, Sarge Keeton, Latimer Myers Cleveland, James K. Cleveland, Mary E. Cleveland, Charley V. Cleveland, John G. Cleveland, Albert A. Cleveland, Fanny V. Cleveland, Thomas D. Cleveland, Bedford Cleveland, Bedford Cleveland, Lindy L. Cleveland, Esther J. Sartor, Margie Sartor, Alexander Sartor, Andrew Sartor, Ella Sartor, James Sartor, Lillie Sartor, John Sartor, Sarah White, Hiram White, Walter S. White, Mary Jeanette Stanphill, Delphia A. Elliott, Jessie Elliott, Jeffery Elliott, Samantha Elliott, Ruth Elliott, Grace Elliott, Florence Elliott, Lawson Elliott, Ivory Burks, Habel Burks, William B. Elliott, Fanny L. Curtis, Nancy M. Beebe, Charles P. Beebe, Lutisha A. Beebe, Minnie M. Beebe, Mary E. Beebe, Lillie B. Beebe, Lutisha Armstrong, William L. Armstrong, Washie Armstrong, Lonie Armstrong, Jimmie Armstrong, Vincent S. Stanphill and Sallie Stanphill as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file answer to in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.



COPY.

Muskogee, Indian Territory, April 18, 1903.

Nancy M. Boobe,

Boggy Depot, Indian Territory.

Dear Madam:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Chesters of the several persons included in the consolidated case of Annie Elizabeth Stanphill, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

*Tamr Birby.*  
Chairman.

MOR 4320

Muskogee, Indian Territory, December 6, 1906.

Nancy M. Beebe,

Boggy Depot, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion for rehearing filed in this office June 23, 1906, by J. O. Pool, attorney, on behalf of Annie E. Stanphill in the consolidated Mississippi Choctaw case of Annie Elisabeth Stanphill, et al.

Respectfully,

Acting Commissioner.

# MEMORANDA.

36 Name *Nancy M. Beebe* (Date) *June 8 1900* 1899.

Choctaw? *yes* County *Blue* Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

17	<i>Charles P. Beebe</i>	County	Year	Page	No.
15	<i>Esther A.</i>	County	Year	Page	No.
10	<i>Minnie M.</i>	County	Year	Page	No.
7	<i>Mary E.</i>	County	Year	Page	No.
3	<i>Sally B.</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

*P.O. Bagby Do not*

*Frank Humphrey Stanphill D*

*Mother Estlin*  
*Husband Mrs H. Beebe*

For Identification as a Mississippi Choctaw.

Date

DEC 10 1901

Name Nancy M. Beebe,

Age 37

Blood 1/4

Post Office, Boggy Depot, I. T.

Father, ~~James~~ <sup>Pumphrey</sup> Stanphill, a

Mother: Lutishia " C.

Claims through Mother  
Husband

William H. Beebe, Jr.

No claim for husband

Children:

Charles P. Beebe 18

Lutishia A. " 16

Minnie M. " 11

Mary E. " 8

Lillie B. " 4

Claim for self &  
Children -

Stenographer H. C. Ritten

Choctaw MCR 4321

Lutisha Armstrong

See MCR 555, 4049

MCR 4321

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Atoka, Ind. Ter. June 8, 1900.

In the Matter of the ~~Enrollment~~ Application :  
of Lutishia Armstrong et al, for Enroll- :  
ment-as-a-Citizen-of-the-Choctaw-Nation---:-----:;

R.-555-Choc.

Lutishia Armstrong, being first duly sworn, testified as follows:  
By Mr. Bixby:

- Q What is your name? A Lutishia Armstrong.
- Q What is your age? A 33 years.
- Q What is your postoffice address? A Ego, I. T.
- Q Do you live at Ego? A I live within a mile and a half.
- Q How long have you lived there? A Ever since the 1st of Jan., 1900
- Q Where did you live before that? A I came here in December, to my father's close to Goodland.
- Q Where did you live prior to that? A Texas.
- Q You first came to the Ty. in Dec., 1899? A Yes sir.
- Q Where did you live before you came to the Territory? A Texas.
- Q How had you been living there? A 17 years.
- Q Where did you live before that? A Arkansas.
- Q How long did you live there? A Three years.
- Q Where did you live before that? A Mississippi.
- Q When did you leave Miss.? A I can't tell you when it was.
- Q What is the name of your father? A Wm. L. Stamphill
- Q Is he living? A No.
- Q Was he an Indian? A Yes sir.
- Q Has his name ever been on the Choctaw tribal roll? A I suppose it was.
- Q You don't know of your own knowledge? A He was enrolled here at Durant.
- Q Why? A By the Dawes Commission, I think they told me. I was not here myself.
- Q Was he a Court Indian? A I can't tell you.
- Q Do you know when he was first recognized as a Choctaw Indian? A No I don't.
- Q Was his name ever put on the tribal rolls by the Choctaws? A I can't tell you.
- Q Don't you know that he was never recognized by the Choctaw Indians?
- A Not that I know of; he is on the enrollment, so they told me; they told me he was enrolled at Durant.
- Q Do you know what county in the Choctaw Nation he claims to belong to?
- A No, I know what county he lived in when he died.
- Q Do you know what proportion of Choctaw blood he claimed to have?
- A 1/4 I think.
- Q When did he die? A This last Dec.
- Q Where did your father die? A Down here in Keamitia Co., I. T.
- Q When did he die? A Last Dec., the 20th.
- Q Are there any of the other members of your father's family that have died within the last two years? A No, not that I know about.
- Q What is the name of your mother? A Eveline.
- Q Is she living? A No sir.
- Q Was she a U. S. citizen? A Yes sir.
- Q A white woman? A Yes sir.
- Q She did not claim to be an Indian? A No.
- Q Did your father have any other wife besides your mother? A Yes.
- Q What was her name? A Nancy.
- Q Was your name ever on the Choctaw tribal rolls? A Not that I know about.

2-L. Armstrong.

Q Did you ever apply to the Choctaw tribal authorities for enrollment as a Choctaw Indian by blood? A No sir.

Q Did you apply to the Dawes Commission in '96? A No sir.

Q Is this the first application you have ever made? A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Isaac Armstrong.

Q Are you making application for him? A No sir.

Q He is a citizen of the U. S. A Yes sir.

Q Have you any children under 21 years of age and unmarried?

A Yes sir,

Q Do you make application for them? A Yes sir.

Q Where were you married? A In Ark.

Q When? A In '82.

Q Under the laws of Ark.? A Yes sir.

Q Please give the names of your children and their ages?

A Wm. L/ 17, Washie, 10, Lonny, 7, and Jimmy, 7 months.

Q Are these children all living with you? A Yes sir.

Q Is there any additional statement in regard to your

to make at this time? A No sir.

Q Have you any papers you would like to file? A No sir.

Q You will be permitted to file any additional evidence in the shape of statements, affidavits or other paper papers which y u may desire to present. The testimony in this case, and such papers as you may desire to present, will be filed by the Commission, and will be forwarded to the Hon. Secy. of the Interior for his examination when the rolls of the citizens of the Chectaw Nation are sent to him for his final approval.

Your enrollment and that of your children is refused for the reason that your names do not appear upon the tribal rolls of the Choctaw Nation in the possession of this Commission, ~~and~~ it does not appear that either you or your children have ever been recognized by the properly constituted tribal authorities of the Choctaw Nation as a Choctaw Indian by blood, or that you were admitted as a citizen by blood of the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10, 1896, or by a judgment of the U. S. Court in the Ind. Ter. And for the additional reason that it appears from the testimony that neither you nor your children removed to and in good faith established your residence in the Nation in which you claim citizenship within the time required by law.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing transcript is a true and complete transcript of the testimony of said witness.

Francis R Brown

Subscribed in my presence and sworn to before me this  
16th day of June, A. D., 1900.

Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

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In the matter of the application of Nancy M. Beebe, et al  
for identification as Mississippi Choctaws, M.C.R-4320.

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In the matter of the application of Lutisha Armstrong,  
et al, for identification as Mississippi Choctaws, M.C.R-4321.

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--Applicants represented by J.E. Arnold,---

Charles E. Stamphill, called as a witness on behalf of  
applicants, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Charles E. Stamphill.  
Q What is your age? A Forty.  
Q What is your post office address? A Caddo at the present time.  
Q What is your occupation? A Farmer.  
Q Are you related to Nancy N. Beebe? A Yes sir, she is my sister  
Q Are you related to Lutisha Armstrong? A She is a neice of mine.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I have been by the Commission and the United States Court.  
Q You were admitted by judgment of the United States Court? A Yes sir.  
Q When and where were you admitted? A I was enrolled at Durant.  
Q Were you living in the Choctaw Nation in 1896 and 1897? A I was living near Whitefield in the Choctaw Nation.  
Q You say you were admitted by judgment of the United States Court as a citizen of the Choctaw Nation? A Yes sir.  
Q In what case were you admitted? A Charles D. Sullinger vs. the Choctaw Nation.  
Q Were you present when that judgment was given? A No sir.  
Q How do you spell your name? A S-t-a-m-p-h-i-l-l.

A copy of the order of the United States Court in Indian Territory, Central District, in the possession of the Commission in case No. 47, shows that an order was made and entered of record admitting to citizenship, in the case of Charles D. Sullinger et al vs. the Choctaw Nation, Charles E. Stamphill.

- Q Is that your name? A Yes sir.  
Q Are you the same person who was admitted under the name of Charles E. Stamphill? A Yes sir, that is my name.



M.C.R.4320 & 4321,----2.

The Commission: Mr Arnold, do you desire to ask any questions?

Mr Arnold: No, that is all.

(Witness Excused)

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled causes as above, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on the 10th day of December, 1901.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory this, 20th day of December, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

4321.

In the matter of the application of Lutisha Armstrong for the identification of herself and her four minor children, William L., Washie, Lonie and Jimmie Armstrong, as Mississippi Choctaws.

-- --Represented by J. E. Arnold, Attorney----

Lutisha Armstrong, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Lutisha Armstrong.  
Q What is your age? A Thirty four.  
Q What is your post office address? A Ega, I. T.  
Q How long have you lived there? A Two years.  
Q Where were you born? A Born in Alabama.  
Q Where in Alabama? A Tishomingo county.  
Q How long did you live in Alabama? A About seven years.  
Q And you went from there where? A Mississippi.  
Q You lived in Mississippi how long? A One year.  
Q And you went from there? A To Arkansas.  
Q And from Arkansas you went where? A To Texas.  
Q And how long did you live in Texas? A Seventeen years.  
Q And from there you went where? A To the territory.  
Q And how long have you been in the territory? A Two years.  
Q What is your father's name? A William L. Stamphill.  
Q Is he living or dead? A He is dead.  
Q Is your mother living or dead? A She is dead.  
Q What was her name? A Eveline.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q How long have you been married? A I have been married since 1882.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A Yes sir, he is enrolled.  
Q How did he become enrolled? A By the United States.  
Q What do you mean by the United States? A He was enrolled here in the Choctaw Nation.  
Q You said he was enrolled by the United States? A By the Dawes Commission; the Dawes Commission enrolled him.  
Q How did he become a citizen of the Choctaw Nation? A By the United States Court.  
Q Admitted to citizenship by the United States Court? A Yes sir.  
Q Do you know the name of the case in which he was admitted?  
A No sir, I don't.  
Q Where is your father living now? A My father is dead now, he lived in Kiamitia.

William L. Stamphill was admitted to citizenship in the Choctaw Nation by judgment of the United States Court for

Lutisha Armstrong-----2.

the Central District of the Indian Territory, August 23, 1897, in the case of Charles D. Sullinger, et al vs. the Choctaw Nation Citizenship case No.47.

Q Are you making your claim for identification as a Mississippi Choctaw at this time based upon the admission of your father to citizenship in the Choctaw Nation? A Yes sir.

Q Was your name included in the original application in the case of Charles D. Sullinger, et al, to the Commission to the Five Civilized Tribes in 1896? A No sir, I suppose not.

Q Where were you living at that time? A In 1896, living in Texas.

Q You were not a party to that application made by your father at that time? A No sir.

Q Your name was not included in the judgment of the United States Court by which your father was admitted to citizenship in the Choctaw Nation? A I reckon it was not.

The name of this applicant does not appear upon the judgment admitting her father to citizenship in the Choctaw Nation above referred to.

Q Are you married? A Yes sir.

Q What is your husband's name? A I. Armstrong.

Q What is his blood---is he an Indian or a white man? A He is a white man.

Q Do you make any claim for him? A No sir.

Q Have you any children you want to make application for? A Yes sir.

Q What is the name of the oldest? A William L.

Q How old is he? A Seventeen.

Q Next? A Washie.

Q How old is Washie? A Eleven.

Q Is this a boy? A Yes sir, I have just got four and they are all boys.

Q Next? A Lonie.

Q How old? A Nine.

Q Next? A Jimmie.

Q How old? A Two.

Q Is I. Armstrong the father of these children? A Yes sir.

Q And you are the mother? A Yes sir.

Q Were you ever married before you married him? A No sir.

Q Was he ever married before he married you? A No sir.

Q You claim for yourself and these children, do you? A Yes sir.

Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.

Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.

Q Have you ever made application for yourself and children for enrollment as Choctaw Indians to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever made application for enrollment or citizenship in the Choctaw Nation for yourself and children to the Dawes Commission at any time before this application? A Yes, I made application two years ago.

The records of the Commission show that this applicant made

Lutisha Armstrong-----3.

personal appearance before this Commission at Atoka, Indian Territory, June 8, 1900, (Choctaw R-555), and made application for enrollment by blood as a citizen of the Choctaw Nation of herself and also of her four minor children; that said application was refused under the law of June 28, 1898, and a copy of the decision of the Commission mailed to the applicant. The record then made is now made a part of the record made in this application of the applicant for the identification of herself and four minor children as Mississippi Choctaws.

Q Do you now come before this Commission for the purpose of identifying yourself and your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir, I have heard it and read it three or four times.

Q You do not care to have it explained further? A No sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes sir, I think I do.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother

Q What was her name? A Lutisha Stanphill, and my great grandmother Sophia Sullinger.

Q Did your great grandmother Sophie Sullinger and did Lutishia Stanphill live in Mississippi? A Yes sir.

Q Where was your great grandmother born? A I don't know.

Q Did she live in Mississippi all her life? A I couldn't tell you that.

Q Where did she die? A I don't know where she died.

Q Do you know when she died? A No sir, I don't.

Q When and where was Lutishia Stanphill born? A I don't know.

Q When and where did she die? A She is living.

Q How old is she? A Seventy eight or seventy nine.

Q How much of her life did she live in Mississippi? A I couldn't tell you that.

Lutisha Armstrong-----4.

Q Did Sophia Sullinger live in Mississippi in 1830 and did she have a family there then? A I don't know, I think she did.

Q Did any of your Choctaw ancestors live in Mississippi in 1830 and have a family there? A I don't know.

Q Did any of your Choctaw ancestors speak the language or have an Indian name? A I don't know whether they did or not.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q You say your father was born in Mississippi? A My grandmother.

Q Did you say your father lived in Mississippi? A Yes, my father lived in Mississippi.

Q Was he born there? A I don't know whether he was or not.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the state?

A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

Q Did any of your Choctaw ancestors claim any rights or benefits under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A I don't know.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama in order to take advantage of the provisions of article fourteen of the treaty of 1830 were required under that article to go to the United States Indian Agent within six months from the ratification of the treaty of 1830 and register their names with him as Indians who desired to stay in Mississippi, take land there and become citizens of the United States. A great many Indians did this at that time whose names Colonel Ward the Indian Agent failed to place upon the list made by him, called Ward's Register. They made their applications before him under article fourteen, but he neglected the instructions given him by the government to make a proper registration of their names. This caused a great many Indians who had land in Mississippi to lose their land and improvements; both were taken by the government and sold at its public land sales. This caused so many complaints that in 1837, Congress appointed a Commission which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your ancestors go before either of the Commission of 1837 or the Commission of 1842 and claim benefits under article

Lutisha Armstrong-----5.

fourteen of that treaty? A I don't know.

Q Do you speak the Choctaw language or understand it? A No sir.

Q Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A Not that I know of. I have an aunt, Nancy N. Reese, who appeared today.

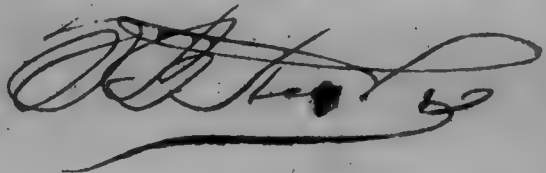
Q Do you want to have her testimony considered with yours? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry in which the white blood predominates. She claims one eighth Choctaw blood, her hair is black and straight, brown eyes, medium dark complexion. Does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of December, 1901.



Commissioner.

R. 555

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lutiasha Armstrong for enrollment of herself and four minor children as citizens by blood of the Choctaw Nation.

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The applicant, Lutiasha Armstrong, appeared before the Commission at Atoka, Indian Territory, June 8th, 1900 and from her oral testimony given at that time on behalf of her claim for enrollment of herself and her minor children, William L., Washie, Lennie and Jimmie, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

It also appears from the evidence that the applicant had not removed to the Indian Territory in compliance with the act of June 28th, 1898, (Curtis Bill), which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The application for enrollment as citizens by blood of the Choctaw Nation of Lutiasha Armstrong and her minor children, William L., Washie, Lennie and Jimmie Armstrong, is therefore hereby refused.

BY THE COMMISSION.

  
Acting Chairman.

Muskogee, Indian Territory, August 20, 1900.



Muskogee, Indian Territory, July 5, 1900.

Mrs. Leontitia A. Armstrong,

Ego, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of July 2nd, inclosing the affidavits of witnesses in the matter of your claim for enrollment as a citizen by blood of the Chectaw Nation, and the same has been duly filed with the records of this Commission. You request to be informed as to whether it is necessary for you to do any thing else with regard to this matter. The Commission cannot undertake to inform applicants as to what is necessary in the matter of proof for their claims. This is a subject that must be determined by themselves.

Yours truly,

Acting chairman.

7 R 555

Mrs. L. A.

Muskogee, Indian Territory, July 5, 1900.



Muskogee, Indian Territory, September 15, 1900.

Mrs. Lutisha Armstrong,

Ego, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of recent date in which you request that there be furnished your attorney Mr. Henry Byington, of Caddo, a copy of the statement made by you before the Commission when you appeared as an applicant for the enrollment of yourself and your minor children as citizens by blood of the Choctaw Nation.

In accordance with your request there is enclosed you herewith, a copy of the testimony given by you before the Commission at Atoka, Indian Territory, June 8th, 1900. If you desire Mr. Byington to have this testimony, you can forward the same to him.

Yours truly,

Acting Chairman.

7-R-555

Enc j

Muskegee, Indian Territory, March 28, 1901.

Enlisha Armstrong,

Ego, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th instant in which you request that the record in the matter of your application for enrollment as a citizen of the Choctaw Nation be forwarded to the Secretary of the Interior for his consideration.

Your request has been filed with the other papers in the matter of your application for enrollment as a citizen of the Choctaw Nation and the record so made will be transmitted to the secretary of the Interior.

Yours truly,

Acting Chairman.

7-R-458

Muskogee, Indian Territory, December 1, 1902.

Lutisha Armstrong,

Ego, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annie Elizabeth Stamphill, et al., embracing the following applications for identification as Mississippi Choctaws:

Annie Elizabeth Stamphill, et al.	M.C.R. 4049
Julia L. Stamphill,	M.C.R. 373
Mary Keeton, et al.	M.C.R. 376
Latimer Myers Cleveland, et al.	M.C.R. 4050
Ester J. Sartor, et al.	M.C.R. 4649
Sarah White, et al.	M.C.R. 5201
Mary Jeanette Stamphill,	M.C.R. 5202
Delphia A. Elliott, et al.	M.C.R. 5124
Ivory Burks, et al.	M.C.R. 5125
William E. Elliott,	M.C.R. 5289
Nancy L. Curtis,	M.C.R. 5290
Nancy M. Beebe, et al.	M.C.R. 4320
Lutisha Armstrong, et al.	M.C.R. 4321
Vincent S. Stamphill, et al.	M.C.R. 5379

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may

administer oaths, examine witnesses, and certify all other acts necessary thereto, and also report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ardie Elizabeth Stamphill, Martha Stamphill, Luther Stamphill, Jennie Stamphill, Ada Stamphill, Tom Stamphill, Lillie Stamphill, Julia L. Stamphill (deceased), Mary Keaton, Maude Keaton, Margy Keaton, Letimer Kyora Cleveland, James L. Cleveland, Mary E. Cleveland, Charley V. Cleveland, John G. Cleveland, Albert A. Cleveland, Fanny V. Cleveland, Thomas D. Cleveland, Bedford Cleveland, Ledford Cleveland, Lindy L. Cleveland, Father J. Sartor, Margie Sartor, Alexander Sartor, Andrew Sartor, Ella Sartor, James Sartor, Lillie Sartor, John Sartor, Sarah White, Hiram White, Walter E. White, Mary Jeannette Stamphill, Delphia A. Elliott, Jessie Elliott, DeFlury Elliott, Samantha Elliott, Ruth Elliott, Grace Elliott, Florence Elliott, Lawson Elliott, Ivory Marks, Abel Marks, William E. Elliott, Nancy L. Curtis, Nancy H. Beebe, Charles P. Beebe, Lutisha A. Beebe, Minnie M. Beebe, Mary E. Beebe, Lillie V. Beebe, Lutisha Armstrong, William L. Armstrong, Machie Armstrong, Lonie Armstrong, Jimmie Armstrong, Vincent S. Stamphill and Sallie Stamphill as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

PERMAN

Registered.

Acting Chairman.

COPY,

M.O.R.4521.

Muskogee, Indian Territory, April 18, 1903.

Lutisha Armstrong.

Ego, Indian Territory.

Dear Madam:

You are hereby notified that on the 2nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Annie Elizabeth Stanphill, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED).

*James Bixby.*

Chairman.

REFER IN REPLY TO THE FOLLOWING:

MCR 4321

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 6, 1906.

Lutisha Armstrong,

Ego, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion for rehearing filed in this office June 23, 1906, by J. O. Pool, attorney, on behalf of Annie E. Stanphill in the consolidated Mississippi Choctaw case of Annie Elisabeth Stanphill, et al.

Respectfully,

*W. O. Bear*

Acting Commissioner.

# MEMORANDA

33

(Date)

June 8 1900

1899

Name *Stetisha Armstrong*

Choctaw? *yes* County Year No.

Chickasaw? County Year Page

Citizen by blood? *1/4* Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Wife's name

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

## Names of children:

17	<i>Mr S</i>	County	Year	Page	No.
10	<i>Gashe</i>	County	Year	Page	No.
7	<i>Sonie</i>	County	Year	Page	No.
	<i>Mr Jimmie</i>	County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.
		County	Year	Page	No.

*P.D. Lys*  
*Father J. S. Stanphill*  
*Mother Sonie*  
*Married Sonie Armstrong*

DEPARTMENT OF ...  
Commissioner to the Five C

FILED

Commissioner.

DEC 1 1906

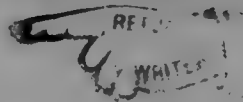




Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

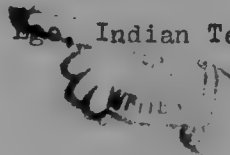


4321

UNKNOWN

Lutisha Armstrong,

Indian Territory.



## For Identification as a Mississippi Choctaw.

Date

DEC 10 1901

Name Lutisha Armstrong

Age 34

Blood

1/8

Post Office, Ego, I. T. -

Father: <sup>William</sup> Stanphill, d

Mother: Eviline " d

Claims through father  
 husband.  
 J. Armstrong, w.  
 No claim for husband

## Children:

William L. Armstrong,	17
Washie " (M)	"
Lonie " "	9
Jimmie " "	2

Claims for self &  
 children -

Stenographer H. C. Ristman

Choctaw MCR 4322

Mary J. Simpson

See MCR 5204

MCR 4322

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. December 10, 1901.

4322

In the matter of the application for Identification as Mississippi Choctaws of Mary J. Simpson and her eight minor children, Ada M. Simpson, Oscar Simpson, Ottie J. Simpson, Luther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, and Neah Simpson.

Applicant represented by J. E. Arnold, attorney.

Mary J. Simpson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary J. Simpson.  
Q What is your age? A 42.  
Q What is your post office address? A Lone Grove, Indian Territory.  
Q How long have you lived at Lone Grove? A Four years.  
Q Where did you live before that? A Illinois.  
Q Where were you born? A Illinois.  
Q Had you always lived in Illinois until you went to Lone Grove? A Yes.  
Q What is your father's name? A Radford Osborn.  
Q Is he living? A No sir.  
Q Is your mother living or dead? A Dead.  
Q What was her name? A Frances Carpenter.  
Q It is Frances Osborn -- Carpenter was her maiden name was it not?  
A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A About one-eighth.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A I don't know.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Fred Simpson.  
Q Is he a white man or an Indian? A He's a white man.  
Q Do you make any claim for him? A No sir.  
Q Have you any children under 21 years of age and unmarried that you desire to make application for? A Yes.  
Q How many? A Eight.  
Q What is the name of your oldest child? A Ada M. Simpson.  
Q How old is she? A 19.  
Q She's not married is she? A No sir.  
Q What is the name of the next child? A Oscar.  
Q How old is he? A 16.  
Q What is the name of the next? A Ottie.  
Q ~~Simpson~~-e-? A Ottie J.  
Q O-t-t-i-e-? A Yes sir.  
Q Is that a girl? A Yes sir.  
Q How old is this child? A 13.  
Q What is the name of the next? A Luther.  
Q How old? A He's 10.  
Q The next? A Everett.  
Q How old is Everett? A Seven.  
Q The next? A Mary.  
Q How old is Mary? A She's five.  
Q The next? A Arthur.  
Q How old is Arthur? A He's three.  
Q The next? A Neah.  
Q How old is Neah? A He's a year old.  
Q Are there any others? A No sir.  
Q Is Fred Simpson the father of these children? A Yes sir.  
Q You claim for yourself and these children do you? A Yes sir.  
Q Was Fred Simpson your husband ever married before you married him? A No sir.  
Q Were you ever married previous to your marriage to him? A No sir.  
Q Is your name or the names of any of these children on any of the

Mary J. Simpson--2.

the tribal rolls of the Choctaw Nation in Indian Territory? : I dont know.

- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q You now come before this Commission to identify yourself and children as Mississippi Choctaws claiming under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand the provisions of that article of that treaty? A I have heard it read.
- Q Would you like to have it explained to you further? A I dont reckon there's any need of it; I heard it read.
- Q Then you waive the explanation? A Yes sir.

Q Article 14 of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with himover ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grand in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." Do you think you understand that article of that treaty? A Yes sir.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Samuel Carpenter.
- Q What relation was he to you? A My great grand father.
- Q Did he live in Mississippi or Alabama in 1830? A I dont know.
- Q Do you know whether he or any of your Choctaw ancestors ever lived in Mississippi or Alabama? A No sir.
- Q Do you know whether any of your ancestors lived in the old Choctaw Nation in Mississippi and Alabama in 1830 and were heads of families there at that time? A No sir.
- Q How much Choctaw blood did Samuel Carpenter have? A I believe they claim half; that's what I have been told; I dont know anything only what I've been told.
- Q Who told you that? A My aunt
- Q What was her name? A Lucy McDaniel.
- Q How old is she? A I dont know; she's dead.
- Q Was she an old lady when she died? A Yes sir.
- Q Did any others of the family tell you that? A No sir.
- Q How old would he be if living now? A I dont know.
- Q Do you know where he was born? A No sir.
- Q Or when and where he died? A No sir.
- Q Did Samuel Carpenter have an Indian name or speak the Choctaw

language? A I dont know.

Q did any of your Choctaw ancestors own any improvements on land land in Mississippi and Alabama in 1830? A I cant tell you that.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the Indian Agent and tell him they wanted to take land in Mississippi and stay there and become citizens of the United States? A I dont know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in the Indian Territory between the years 1833 and 1838? A I cant tell you.

Q Did any of your Choctaw ancestors own any land or claim any under article 14 of the treaty of 1830 A I dont know.

Q Did any of your Choctaw ancestors claim any benefits or land under any other article of the treaty of 1830 than article 14 or under the supplement of the treaty? A Not that I know of.

Q Did any of your Choctaw ancestors claim any rights or receive any under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I dont know.

Q The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required by article 14 of that treaty if they wished to take advantage of its provisions to go to the United States Indian agent within six months from the ratification of the treaty and register their names with him as Indians who desired to stay in Mississippi, take land there and become citizens of the United States. A great many Indians did this whose names, Colonel Ward, the Indian agent failed to put upon his list known as Ward's Register; his failure to make a complete list of the names of those claiming under that article caused the government to take the land from a great many Indians who lived in Mississippi and Alabama which land was sold by the government at its public land sales. This caused so many complaints among the Indians that in 1837 by an Act of Congress approved March 3 of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article 14 of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this second Commission went to Mississippi also and heard claimants under article 14 of the treaty of 1830. Did any of your Choctaw ancestors appear before the Commission of 1837 or the Commission of 1842 and claim benefits under article 14 of that treaty? A I dont know.

Q The act of Congress approved August 23 1842 provided that if any Choctaw Indian prove his claim under article 14 of the treaty of 1830 and if it also further appeared that he had had his land taken from him by the government and sold he should be entitled to select land in Mississippi, Alabama, Arkansas and Louisiana to be taken from vacant government land and that a certificate to that effect should be given to him; these certificates were called scrip. Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A I cant tell you.

Q Have you any relatives who have appeared before the Commission previous to this time to be identified as Mississippi Choctaws?

A Not that I know of.

Q Have you any evidence of any kind that you want to produce? A not now.

Q Would you like reasonable time to produce proper evidence? A Yes sir.

Mary J. Simpson-----4.

Reasonable time will be allowed this applicant to introduce proper evidence in support of this claim.

Q Do you speak the Choctaw language or understand it? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes; medium light complexion, brown hair; she has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestors with any of the provisions of article 14 of the Treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of December 1901 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 10th day of December 1901.

*J. H. Wilson*

Notary Public.

Muskogee, Indian Territory, January 7, 1902.

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony of Mary J. Simpson in the matter of her appli-  
cation for the identification of herself and her minor children as  
Mississippi Choctaws, M.C. 4322.

*J. E. Arnold*



COPY.

Muskogee, Indian Territory, December 1, 1902.

Mary J. Simpson,

Lone Grove, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the Consolidated case of William T. Osborn, et al., embracing the following applications for identification as Mississippi Choctaws:

William T. Osborn, et al.,	M.C.R. 5204
Richard A. Osborne, et al.,	M.C.R. 4465
James Osborne,	M.C.R. 4466
Mary J. Simpson, et al.,	M.C.R. 4322
Burel Simpson,	M.C.R. 4467
John Osborn, et al.,	M.C.R. 4706

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Mary J. Simpson-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Osborn, Lillie Belle Osborn, Radford Burrell Osborn, Richard A. Osborne, Eva Osborne, Addie Osborne, Burrell Osborne, Jesse Osborne, Willie Osborne, James Osborne, Mary J. Simpson, Ada M. Simpson, Oscar Simpson, Ottie J. Simpson, Luther Simpson, Everett Simpson, Mary Simpson, Arthur Simpson, Noah Simpson, Burel Simpson, John Osborn and Charley Osborn as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*James T. ...*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Mary J. Simpson,

Lone Grove, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chestaws of the several persons included in the consolidated case of William T. Osbern, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

*T. B. Needles*

Commissioner in Charge.

## For Identification as a Mississippi Choctaw.

Date

DEC 10 1901

Name Mary J. Simpson

Age 42 Blood 1/8

Post Office, Long Grove, L. T.

Father: Radford Osborn, d

Mother: Frances " d

Claims through mother —  
husbandFred Simpson, w.  
No claim for husband.

Children:

Ada M. Simpson	19
Oscar	16
Ottie J. " (F)	13
Luther	10
Everett	7
Mary	5
Arthur	3
Noah	1

Claims for self &  
children

John Little

Choctaw MCR 4323

Permelia C. F. Chester

See MCR 4324, 4325

MCR 4323

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of Permella C. F. Chester, et al., for identification as Mississippi Choctaws, consolidating the applications of

Permella C. F. Chester, et al.,	M C R 4323
Dessie C. Coffee, et al.,	" 4324
William A. Leslie, et al.,	" 4325

List of papers forwarded to Secretary of the Interior  
comprising the record in the consolidated  
case of Permella C. F. Chester, et al.

Original application of Permella C. F.  
Chester, et al., to the Dawes Commission  
for identification as Mississippi Choctaws ..... 1

Original application of Dessie C. Coffee  
et al., to the Dawes Commission for identification as Mississippi Choctaws.....6

Original application of William A. Leslie  
et al., to the Dawes Commission for identification as Mississippi Choctaws.....10

Certified copy of marriage license of Wm. A.  
Leslie and M. T. Wilkison.....16

Decision of the Commission refusing  
the applications in the consolidated  
case of Permella C. F. Chester, et al.,  
for identification as Mississippi Choctaws.....17

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I. T. December 10, 1901.

4323.

In the matter of the application for identification as Mississippi Choctaws of Permella C. F. Chester and her six minor children, Hubert Chester, William Chester, Robert Chester, Dorothy Chester, Myrtle Chester and Nannie Chester.

Applicant represented by J. E. Arnold, attorney.

Permella C. F. Chester, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Permella C. F. Chester.  
Q What is your age? A 44.  
Q What is your post office address? A Ravia, I. T.  
Q How long have you lived at Ravia? Two months.  
Q Where were you born? A Alabama I believe.  
Q Do you know what place in Alabama? A Jefferson County.  
Q How long did you remain in that state if you know? A Well I dont exactly know.  
Q When you left it where did you go? A Went to Mississippi.  
Q How long did you live in Mississippi? A I dont exactly know how long I lived there?  
Q About how long? A About seven or eight years.  
Q And when you went from Mississippi where did you go? A Went to Tennessee.  
Q How long did you live in Tennessee? A I cant tell exactly how long I lived there.  
Q One or five years? A O, I lived there 20 years I expect.  
Q Then you went where? A To Texas.  
Q How long did you live in Texas? A Ten year.  
Q And then you went where? A To the Indian Territory.  
Q How long have you been in the Indian Territory, altogether?  
A Two months.  
Q Where did you live in Texas? A Parker County.  
Q What is your father's name? A William Leslie.  
Q Is he living? A No sir.  
Q What is your mother's name? A Catherine Leslie.  
Q Is she living? A No sir.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I dont know.  
Q When and where was your father married? A Jefferson County Alabama, was where but I cant tell you exactly when.  
Q Do you think you could introduce the evidence of his marriage?  
A Yes I think I can.

Reasonable time will be allowed for that purpose.

- Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A Isaac Chester.  
Q Is he a white man or an Indian? A He's a white man.  
Q Do you make any claim for him? A No sir.  
Q Will you give me the name of your eldest child under 21 years of age and unmarried that you want to make application for? A Hubert Chester, he's 16. William Chester, 14. Robert Chester, 13.

Dorothy Chester.

- Q How old is she? A 11.
- Q What is the name of the next? A Myrtle.
- Q How old is she? A Nine.
- Q The next? A Nannie.
- Q How old is Nannie? A Seven.
- Q That is all I guess isn't it? A Yes sir that's all.
- Q Is Isaac Chester the father of these children? A Yes sir.
- Q Was he ever married before you married him? A No sir.
- Q Were you ever married previous to your marriage to your husband?
- A No sir.
- Q You claim for yourself and children do you? A Yes sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Daves Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever previous to this application been admitted to citizenship in the Choctaw Nation or have any of your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q This is your first application for yourself and children for enrollment or citizenship in the Choctaw Nation is it? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified and for the identification of your children as Mississippi Choctaws claiming under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I think I do.
- Q Would you like to have it explained to you further? A I have no objections at all.
- Q The treaty of 1830 was sometimes called the treaty of Dancing Rabbit Creek because it was made at that place in Mississippi in the year 1830 on the 27th day of September. The object of making that treaty was to remove all of the Choctaw Indians who lived in Mississippi and Alabama to the Choctaw Nation in the Indian Territory. Before the treaty was signed, however, on the 27th day of September of the year 1830 it became known that a good many Indians would not go to the Choctaw Nation in the Indian Territory and would not consent to being removed by signing the treaty or becoming a party to it and in order to protect their interests some provision had to be made for them in the treaty, otherwise other members of the tribe not willing to go would refuse to become a party to the treaty. So article 14 was drafted and inserted into the treaty and then the treaty was signed; afterwards became ratified. Article 14 of that treaty reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".



- Q Do you think you understand the provisions of that article now  
A Yes sir I think I do.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article; did they do any of those things that are stated there in that article, do you know? A I dont know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Leslie that was my father's name.
- Q Do you claim through your father's father or mother? A His mother; grandmother's name was Sallie Hendricks.
- Q How much Choctaw blood did she have? A One-half they told me.
- Q How do you know that she had one-half? A I dont know; just byen told that.
- Q Who told you? A My mother.
- Q Did anybody else tell you? A O, I have heard the old relations talking about it; I dont remember so well what they said as I do her.
- Q Did she live in Mississippi or Alabama in 1830? A I dont know; I suppose she was born and raised there and died there.
- Q Was she born in Mississippi? A Alabama as far as I know.
- Q Do you know where in Alabama she was born? A No sir; I dont know; I aint sure she was born there; I suppose she was though because I never heard anything else.
- Q Has it always been told you that she was born in Alabama? By members of the family? A Yes sir; she was a native of Alabama.
- Q Do you know when she was born? A No sir. I dont.
- Q Do you know where she died? A In Jefferson County Alabama; but I cant tell right when.
- Q Do you know how old she would be if she were living now?  
A No sir I dont; she's been dead 44 years.
- Q Do you know about how old she was when she died? A No sir.
- Q Was she an old lady? A I 've heard some of my elder people - brothers and sisters say she was about 60.
- Q She would be about a hundred years old now? A Yes sir.
- Q Do you know if she lived in Alabama in 1830 and had a family at that time? A No sir I dont know; thats the furthestest back that ever I knew anything about it.
- Q Is it your understanding that she always did live in Alabama? A Yes that's my understanding; she was born and raised there and died there in Jefferson County Alabama.
- Q Did she within six months after the ratification of the treaty of 1830 or did any others of your Choctaw ancestors go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi and take land there and become citizens of the United States? A I dont know anything about it.
- Q You dont know? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in 1830? A I dont know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A I dont know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article 14 of the treaty of 1830? A I dont know whether they did or not.
- Q Did they claim any land under any other article of the treaty than article 14 or the supplement? A I dont know.
- Q Did any of your Choctaw ancestors claim any rights under any other treaty made between the United States government and the Choctaw tribe of Indians than the treaty of 1830? A I dont know.

- Q The Choctaw Indians who stayed in Alabama and Mississippi in the old Choctaw Nation after the treaty of 1830 was ratified were required by article 14 of that treaty, if they wanted to take advantage of its provisions to go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; many Indians who did this failed to have their names placed upon the register made by the United States Indian Agent and called Ward's Register; they made thier applications, many of them but he failed to put their names upon his list; this caused a great many Indians who lived in Mississippi and Alabama to lose the land and improvements which they had upon their land in the old Choctaw Nation and so many complaints were made as a result that Congress in 1837 appointed a Commission to go to Mississippi and hear claimants under article 14 of the treaty of 1830; a Commission was also appointed by Congress in 1842 for the same purpose and this Commission went to Mississippi and heard claimants under that article of that treaty; both of these commissions made lists of the names of all the Indians--Choctaw Indians who appeared before each of them. Did any of your Choctaw ancestors appear before either of these two Commission and claim benefits under article 14 of that treaty
- A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.
- Q This scrip is also called certificates and it was issued to those Indians who proved their claims under article 14 of the treaty of 1830 and also proved that their land had been taken from them by the government and sold; you never heard of any of your ancestors receiving any? A No sir I never.
- Q Have you any relatives who have appeared here before the Commission for identification before your appearance? A No sir; not that I know of.
- Q Have you any documentary or any other proper evidence that you want to present in support of this application? A No sir, not at the present.
- Q Do you want time in which to furnish proper evidence in support of this claim? A Yes sir.

Reasonable time will be allowed this applicant for that purpose.

- Q Do you speak or understand the Choctaw language? A No sir I dont
- Q Have you anything that you want to say further in support of this claim? A No sir not that I know of.

This applicant has the appearance and general physical characteristics of being descended from white parentage; she is dark complected; dark hair with some gray; dark eyes; she claims one-eighth Choctaw blood; if she has no Indian blood she is in the opinion of the Commission very dark; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article 14 of the Treaty of

Permelia C. F. Chester-----6

1830.

William A. Leslie brother of Permelia C. F. Chester and Uncle of Dessie C. Coffee, who is also present before the Commission has very dark skin, brown eyes and black hair and appears to the Commission to have other blood than white which in his application he claims to be Choctaw.

Clara Mitchell Wood being first duly sworn upon oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of December 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 11th day of December 1901.

*J. D. Brown*

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

oooooooo

In the matter of the application of Farnelia G. F. Chester,  
et al., for identification as Mississippi Choctaws, consolidating the  
applications of:

Permolia G. F. Chester, et al.,	M.C.R. 4323
Dessie G. Coffee, et al.,	M.C.R. 4324
William A. Leslie, et al.,	M.C.R. 4325

--- D E C I S I O N ---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commis-  
sion by Farnelia G. F. Chester for herself and her six minor child-  
ren, Hubert, William, Robert, Dorothy, Myrtle and Fannie Chester;  
by Dessie G. Coffee for herself and her minor child, Jimmie Coffee,  
and by William A. Leslie for himself and his three minor children,  
Theo, Early and Pamela Leslie, under the following provision of  
the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation concluded September twenty-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sallie Hendricks, who is alleged to have been an one-half blood Choctaw Indian.

It further appears, from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, and from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sallie Hendricks, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress

approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fernelia C. P. Chester, Hubert Chester, William Chester, Robert Chester, Dorothy Chester, Myrtle Chester, Nannie Chester, Dessie C. Coffee, Jimmie Coffee, William A. Leslie, Theo Leslie, Early Leslie and Parola Leslie as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tarns Birby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. B. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

JAN 15 1903

Muskogee, Indian Territory, January 15, 1903.

Permella C. F. Chester,

Ravin, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Permella C. F. Chester, et al., embracing the following applications for identification as Mississippi Choctaws:

Permella C. F. Chester, et al.,	M.C.R. 4323,
Dessie C. Coffee, et al.,	M.C.R. 4324,
William A. Leslie, et al.,	M.C.R. 4325.

These applications were made under the provision of the Act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Permella C. F. Chester, Hubert Chester, William Chester, Robert Chester, Dorothy Chester, Myrtle Chester, Nannie Chester, Dessie C. Coffee, Jimmie Coffee, William A. Leslie, Theo Leslie, Early Leslie and Panola Leslie as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

P. C. Y. C. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

Registered.



Muskogee, Indian Territory, January 15, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Permellia C. F. Chester, et al., embracing the following applications for identification as Mississippi Choctaws:

Permellia C. F. Chester, et al.,	M.C.R. 4323,
Dessie C. Coffee, et al.,	M.C.R. 4324,
William A. Leslie, et al.,	M.C.R. 4325.

These applications were made under the provision of the Act of Congress of June 26, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Permellia C. F. Chester, Hubert Chester, William Chester, Robert Chester, Dorothy Chester, Myrtle Chester, Nannie Chester, Dessie C. Coffee, Jimmie Coffee, William A. Leslie, Theo Leslie, Early Leslie and Pamela Leslie as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

*T. B. Woodlee*

Commissioner in Charge.

COPY

Muskogee, Indian Territory, January 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Permelia C.F. Chester, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 15, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Permelia C.F. Chester, et al.,	M.C.R. 4323
Dessie C. Coffee, et al.,	M.C.R. 4324
William A. Leslie, et al.,	M.C.R. 4325

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the  
Commissioner of Indian Affairs.  
Eno. M.C.R. 4323

*Tame Dixie.*

Acting Chairman.

Land.  
8235-1903.

COPY  
Department of the Interior,  
Office of Indian Affairs,  
Washington, March 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Permelia C. F. Chester, for the identification of herself and her six minor children, Herbert, William Robert, Dorothy, Myrtle and Hannie Chester; also the application of Desie C. Coffee, for the identification of herself and her minor child, Jimmie Coffee; and also the application of William A. Leslie, for the identification of himself and his three minor children, Theo, Early and Panola Leslie, all as Mississippi Choctaws.

On January 15, 1903, the commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their application for identification should be refused.

An examination of the record evidence shows that these applicants claim to have inherited their Choctaw blood from the father of the principal applicant named William Leslie and from the mother of said William Leslie named Sallie Hendricks but neither the record evidence nor an examination of the records in this office shows that any person by the name of William Leslie or Sallie Hendricks ever complied or attempted to comply with the provisions of the 14th

-2-

article of the treaty of 1830, or received a patent for land there-  
under.

By reason of the premises the office considers said decision  
of the commission correct, and recommends that it be affirmed by  
the Department.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

W.C.B. (H)

D.C. 13347

C O P Y.

YHE.

DEPARTMENT OF THE INTERIOR.  
W A S H I N G T O N.

I.T.D. 3564-1903.

May 4, 1903.

L R S

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 31, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Pernelia C. F. Chester (M.C.R. 4323) for herself and her six minor children, Hubert, William, Robert, Dorothy, Myrtle and Nannie Chester; of Dessie G. Coffee for herself and her minor child, Kimmie Coffee; and of William A. Leslie for himself and his three minor children, Theo, Early and Panola Leslie, including your decision of January 15, 1903, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Sallie Hendricks who is alleged to have been an one-half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 31, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

THOS. RYAN?

Acting Secretary.

1 enclosure.

COPY.

M.C.R. 4323

Muskogee, Indian Territory, May 19, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Penmelia C. F. Chester, et al., of which decision you were advised by mail on the 15th day of January, 1903.

Respectfully,

(SIGNED)

*Tamm Bixby.*

Chairman.

COPY.

M.C.R. 4323

Muskogee, Indian Territory, May 19, 1903.

Permelia C. F. Chester,  
Ravia, Indian Territory.

Dear Madam:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Permelia C. F. Chester, et al., of which decision you were advised by registered mail on the 15th day of January, 1903.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.



Consolidated Case  
of  
Permian P. F. Chester et al

RE. ER TO M. C. R. 4323

mer  
4323

Hubert Chester 16  
William " 14  
Robert " 13  
Dorothy " 11  
Myrtle " 9  
Mamie " 7

mer  
4323

Permelia P. F. Leslie 44- $\frac{1}{2}$

mar  
Isaac Chester  
white

mer  
4324

Dessie P. Chester 17- $\frac{1}{16}$

mar  
William Coffee  
- w. off

mer  
4324  
Jimmie Coffee 7m

Sallie Hendricks  $\frac{1}{2}$  William Leslie  $\frac{1}{4}$   
(dead) dead  
wife  
Catherine Leslie  
dead

mer  
4325

William A Leslie 42- $\frac{1}{8}$   
(or Lesley)

mar  
Mary D. Wilkison  
- w -

mer  
4325

Theo Leslie 9

" Early " 7  
" Panola " 5

## For Identification as a Mississippi Choctaw.

Date DEC. 17 1901

Name *Permelia C. Chester*, ~~F. Davis~~

Age 24 Blood 1/8

Post Office, *Ravia, I. T.*Father: *William Leslie, d.*Mother: *Catherine " d.*

Claims through father  
 husband *Isaac C. Hester, w.*

No claim for husband

## Children:

*Hubert Chester 16**William " 14**Robert " 13**Dorothy " 11**Myrtle " 9**Nannie " 7*

Claims for self and children

Stenographer *Clara M. ...*

Choctaw MCR 4324

Dessie C. Coffee

See MCR 4323

MCR 4324

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. December 10, 1901.

4324

In the matter of the application for identification as Mississippi Choctaws of Dessie C. Coffee and her minor child, Jimmie Coffee.

Applicant represented by J. E. Arnold, attorney.

Dessie C. Coffee being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Dessie C. Coffee.  
Q What is your age? A 17.  
Q Are you married? A Yes sir.  
Q What is your post office address? A Ravia, I. T.  
Q How long have you lived in Ravia? A About two months.  
Q How long have you lived in the Indian Territory? A About two months.  
Q Where did you live before you came to the Indian Territory? A Texas.  
Q How long did you live in Texas? A Ten years.  
Q Where were you born? A Tennessee.  
Q What place in Tennessee? A Well I cant tell you.  
Q From Tennessee you went where? A To Texas.  
Q And have lived there since until you came to the Indian Territory  
A Yes sir.  
Q What is your father's name? A Isaac Chester.  
Q Is he living? A Yes sir.  
Q He is a white man is he? A Yes sir.  
Q What is your mother's name? A Fernelia C. F. Chester.  
Q She made application for identification as a Mississippi Choctaw did she on the above date, December 10th? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians or by the United States authorities in the Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A William Coffee.  
Q Is he a white man or an Indian? A White man.  
Q Is he living? A Yes sir.  
Q Do you make any claim for him? A No sir.  
Q How many children have you under 21 years of age and unmarried that you wish to make application for? A One.  
Q What is that child's name? A Jimmie Coffee.  
Q Is it a boy or a girl? A Boy.  
Q How old is Jimmie? A Seven months old.  
Q Is William Coffee the father of Jimmie? A Yes sir.  
Q When and where were you married to your husband? A Weatherford Texas.  
Q Do you make application for yourself and your son? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory. A No sir.  
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever made application at any time for citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Do you now come before this Commission to identify yourself as Mississippi Choctaws claiming under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand the provisions of that article of that treaty?

A Yes sir I think I do.

Q Do you care to have it explained again? A Well I don't think there's any need of it; I heard it once.

Q Article 14 of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a

portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied with or attempted to comply with any of the provisions of that article of that treaty? A No sir I don't.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Sallie Hendricks.

Q What relation was she to you? A Great-grandmother.

Q How much Choctaw blood did she have? A One-half.

Q How do you know she had one-half? A That's what mother's told me.

Q Did anybody else tell you about it? A No sir.

Q Did she live in Alabama or in Mississippi or either state? A Alabama.

Q Was she born there? A Yes sir.

Q Did she live there all her life? A Yes sir.

Q Did she die there? A Yes sir.

Q Do you know that she ever lived in any other state? A No sir.

Q She was living there then in 1830? A Yes sir.

Q Did she have a family there ~~then~~ at that time in 1830? A I don't know.

Q How old would she be if living now? A I don't know exactly.

Q Didn't you hear your mother say how old? A Yes about one hundred years I guess.

Q You heard your mother say she would be a hundred years old if living now? A Yes sir.

Q You yourself don't know anything about it? A No sir.

Q Did Sallie Hendricks your great grandmother speak the Choctaw language or have a Choctaw Indian name? A I don't know.

Q What was your great grandmother's descendants name - the one through whom you claim your Choctaw blood? A I don't know.

Q You claim through your mother do you not? A Yes sir.

Q She claims through which parent? A Her father.

Q What was his name? A William Leslie.

Q That was your mother's father's name? A Yes sir.

Q And did he have Choctaw blood? A Yes sir.

Q How much Choctaw blood did he have do you know? A A quarter I think

- Q Did he live in Mississippi or Alabama? A Alabama.
- Q Did any of your Choctaw ancestors speak the Choctaw language or have Choctaw Indian names? A I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I dont know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1836? A Not that I know of.
- Q Did any of your ancestors ~~xxxx xxxx~~ who were Choctaw Indians, within six months from the ratification of the treaty of 1830 tell the United States Indian agent, Colonel Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A I dont know.
- Q Did any of your Choctaw ancestors claim any land or receive any as Choctaw Indians under article 14 of the treaty of 1830? A I dont know.
- Q Did they claim any benefits under any other article of that treaty except article 14 or under the supplement of that treaty? A Not that I know of.
- Q Did they receive any benefits as Choctaw Indians under any treaty made between the government of the United States and the Choctaw Indians? A Not that I know of.
- Q In 1837 and also in the year 1842 commissions were appointed by Congress to go to the state of Mississippi and hear claimants under article 14 of the treaty of 1830 and these two commissions the one in 1837 and the other in 1842 made lists of the names of all Choctaw Indians who came before each of them respectively claiming under article 14 of that treaty; the reason why these Commissions were appointed was because a great many Indians claiming that they had registered and told Ward that they intended to stay in Mississippi take land there and become citizens of the United States but that Colonel Ward had failed to put their names on his list known as Ward's Register as he was required to do by the government pursuant to the provisions of article 14 of the treaty of 1830; his neglect to do so caused a great many Indians who had land in Mississippi and Alabama to lose their land for it was taken from them by the government and sold at its public land sales; do you know if any of your Choctaw ancestors appeared before these commissions and claimed rights under article 14 of the treaty of 1830? A No sir I dont.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip or a certificate or certificates from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas and which was given to them because they proved that they had rights under article 14 of the treaty of 1830 and also proved that they had their land taken from them by the government and sold? A No I dont.
- Q Have you any evidence of any kind that you want to present now to the Commission in support of this claim? A Not now.
- Q You have'nt any with you now? A No sir.
- Q Would you like time to present proper evidence? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish necessary proof in support of this application that she makes for herself and child.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any relatives except your mother Permelia C. F. Chester

Dessie C. Coffee----4.

who have been before the Commission? A No sir not that I know of.

Q Do you want to have her testimony considered with yours? A Yes sir

This applicant has the appearance and physical characteristics of being descended from white parentage; except that her skin is dark and somewhat like her mother's who appeared before the Commission and whose name is Permelia C. F. Chester; both have dark hair and dark eyes. She does not understand or speak the Choctaw language and has no knowledge of compliance on part of her ancestors with the provisions of article 14 of the treaty of 1830.

William A. Leslie, brother of Permelia C. F. Chester and uncle of Dessie C. Coffee, who is also present before the Commission has very dark skin, brown eyes and black hair and appears to the Commission to have other blood than white which in his application he claims to be Choctaw.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of December 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 11th day of December 1901

*[Signature]*

Notary Public.



Muskogee, Indian Territory, January 15, 1903.

Dessie C. Coffee,

Ravia, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fernelia C. F. Chester, et al., embracing the following applications for identification as Mississippi Choctaws:

Fernelia C. F. Chester, et al.,	M.C.R. 4323,
Dessie C. Coffee, et al.,	M.C.R. 4324,
William A. Leslie, et al.,	M.C.R. 4325.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fernelia C. F. Chester, Hubert Chester, William Chester, Robert Chester, Dorothy Chester, Myrtle Chester, Nannie Chester, Dessie C. Coffee, Jimmie Coffee, William A. Leslie, Theo Leslie, Early Leslie and Pamela Leslie as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

D. C. C. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles,*  
Commissioner in Charge.

Registered.

COPY.

M.C.R. 4324

Muskogee, Indian Territory, May 19, 1903.

Dessie C. Coffee,

Ravia, Indian Territory.

Dear Madam:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Pernelia G. F. Chester, et al., of which decision you were advised by registered mail on the 15th day of January, 1903.

Respectfully,

(SIGNED)

*Iams Bixby.*

Chairman.

## For Identification as a Mississippi Choctaw.

Date

DEC. 10 1901

Name Vessie C. Coffey

Age 17- Blood Y16

Post Office, Ravin, D. T.

Father: Isaac C. Hester, C.

Mother: ~~Frances~~ Permelia C. T. Hester, C.

Claims through mother

Husband, William Coffey W. H.

No claim for husband

Children:

Jimmie Coffey (M), 7m

Claims for self  
and son,

Choctaw MCR 4325

William A. Leslie

See MCR 4323

MCR 4325

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

4325.

In the matter of the application of William A. Leslie for the identification of himself and his three minor children, Theo, Harry and Pamela Leslie, as Mississippi Choctaws.

---Applicants represented by J. M. Arnold, Attorney---

William A. Leslie, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A William A. Leslie.  
Q What is your age? A Forty two.  
Q What is your post office address? A Ravin, I. T.  
Q How long have you lived there? A I have been living there six years in March.  
Q Where were you born? A Jefferson county, Alabama.  
Q How long did you live in Alabama? A About a year.  
Q And then you went where? A To Mississippi.  
Q Where did you go to in Mississippi? A Went to Itawamba county it is now Alcorn county.  
Q How long did you live in Mississippi? A About seven years I reckon, I think it was.  
Q And then from there you went where? A To Tennessee.  
Q How long did you live in Tennessee? A In the neighborhood of twenty three or twenty four years.  
Q And from there you went where? A To Texas.  
Q And from Texas to the Indian Territory? A Yes sir, about six years ago.  
Q What is your father's name? A William Leslie.  
Q Is he living? A No sir.  
Q Is your mother living? A No sir.

William A. Leslie---2.

- Q What was her name? A Catherine.
- Q You claim your Choctaw blood through which parent? A Through my father.
- Q How much Choctaw blood do you claim? A I claim one eighth.
- Q Your blood is a mixture of white and Indian? A Yes sir.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
- Q Where and when were your father and mother married? A They were married in Alabama, I don't know the exact date.
- Q Do you think you can produce that date? A I think I can.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mary D.
- Q Is she an Indian or a white woman? A She is a white woman.
- Q Do you make any claim for her? A No sir.
- Q Is she living? A Yes sir.
- Q Have you any children you wish to make application for? A Yes sir, I have three.
- Q What is the name of the oldest? A Theo.
- Q Girl or boy? A Girl.
- Q How old is she? A Nine years old.
- Q The next? A Mary.
- Q Is that a boy or girl? A Boy.
- Q How old? A Seven.
- Q Next? A Panola.
- Q Is that a girl or boy? A Yes sir, girl.
- Q How old? A Five years old.
- Q Is Mary D. Leslie the mother of these children? A Yes sir.
- Q When and where were you married to your wife? A Hardin County, Tennessee.
- Q Were you married by a minister and under license? A Yes sir.
- Q Do you remember the day of the month and year? A I remember the day of the month; I was married on the 6th of October, about 1882.
- Q By a minister and under license? A Yes sir.
- Q Can you produce that proof later? A Yes sir, I think I can.

You will be given time in which to do so.

- Q You claim for these children and yourself, do you? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities for yourself and children? A No sir.
- Q Have you ever made application for citizenship for yourself and children in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

William A. Leslie-----3.

Q Do you now come before this Commission for the purpose of identifying yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir

Q Do you understand that article of that treaty? A I have heard it read here several times this morning, but I wouldn't object to having it explained.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians who lived in Alabama and Mississippi at that time. This treaty is sometimes called the treaty of Dancing Rabbit Creek because it was made at that place in Mississippi on the 27th day of September, 1830, and it was afterwards ratified on the 24th day of February, 1831. Before it was signed, and while it was being discussed by the representatives of the United States government and the Choctaw Nation, it became known that a very considerable number of the Choctaws would refuse to go to the Choctaw Nation, Indian Territory, and it also became known that the treaty itself would fall of signature on the part of the Choctaw Nation, unless some provision was made for those Indians who wanted to stay there in the old Choctaw Nation. While those Indians would not become a party to the treaty and agree to remove to the Choctaw Nation, Indian Territory, yet they demanded a right to be provided for in the treaty which was made, and that provision was made for them in which is known as article fourteen of the treaty of 1830. That article was put into the treaty for their especial protection and benefit. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen of the treaty of Dancing Rabbit Creek, after having heard it explained and read, do you understand its provisions? A Why, I think I do.

Q Did any of your Choctaw ancestors comply or attempt to comply in any way with the provisions of that article as read and explained to you? A I don't know.

Q What is your ancestor's name through whom you claim your right to be identified as a Mississippi Choctaw? A Sallie Hendricks.



William A. Leslie-----4.

- Q What was her relationship to you? A She was my grandmother.
- Q Where did she live in 1830? A I don't know.
- Q Where was she born? A I couldn't tell you.
- Q Where did she die? A She died in Alabama.
- Q Don't you know where she lived during her lifetime? A She lived I suppose in Jefferson county, Alabama.
- Q Lived there when? A At the time of her death; I think she died there.
- Q How old was she when she died? A I don't know.
- Q How old would she be if she were living now, do you know?
- A No sir, I don't know.
- Q How much Choctaw blood did she have? A One half.
- Q What are the sources of your information as to the quantity of blood which she had? A It comes from my mother.
- Q Your mother told you so? A Yes sir.
- Q Did she speak the Choctaw language or have a Choctaw Indian name? A I don't know.
- Q You claim through your father, do you not? A Yes sir.
- Q Did he ever live in Mississippi or Alabama? A He lived in both places.
- Q When was he born? A I couldn't tell you that exactly.
- Q When and where did he die? A He died in time of the war in Virginia.
- Q Between 1850 and 1865? A Yes sir.
- Q Could you give the exact date? A I could not.
- Q How old was he at the time of his death? A He must have been somewhere in forty.
- Q Do you think he would be in the neighborhood of one hundred or more years old if living now? A Somewhere in that neighborhood.
- Q Did he speak the Choctaw language? A Not from the best of my recollection.
- Q Did he have a Choctaw Indian name? A No sir.
- Q Did he live all his life in Mississippi? A In Alabama and Mississippi.
- Q Do you know what portion of his life he lived in Alabama? A No sir.
- Q Do you know what portion of his life he lived in Mississippi?
- A No sir, he left when I was young.
- Q In what county did he live in Alabama? A Jefferson county.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the year 1830 or at any time before that year? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1823 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek go to the United States Indian Agent whose name was Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I do not know.
- Q Did any of your Choctaw ancestors to your knowledge own or claim any land in Mississippi or Alabama in the old Choctaw Nation under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know whether they did or not.
- Q Did they claim any land or own any or any benefits of any kind as Choctaw Indians under any other provisions of the treaty of 1830 than article fourteen or under the supplement of that treaty?
- A If they did, I don't know it.

William A. Leslie-----5.

Q Did any of your Choctaw ancestors claim any benefits, rights or privileges of any kind under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, in order to take advantage of the provisions of article fourteen of that treaty which was put into the treaty for their especial benefit, were required to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and signify to him their intention to remain in Mississippi, and take land there, and become citizens of the states. This was, in other words, a requirement on their part under that article, to register with Colonel Ward as persons desiring to take advantage of the provisions of article fourteen of that treaty. A great many Indians did that whose names Colonel Ward failed to put upon the list made by him which was known as Ward's Register. This neglect of his caused a great many Indians who held land in Mississippi and Alabama to have their lands and improvements both taken from them and sold by the government at its public land sales. Those who had their names upon Ward's Register were entitled to hold land and as their names did not appear there, the government sold it. This was a wrong to them and caused many complaints, so that in, 1837 by an act of Congress approved March 3 of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842, by an act approved August 23 of that year, another Commission was appointed which went to Mississippi and heard claimants under that article of that treaty, and both of these Commissions made lists of the names of all claimants who came before each one of them respectively.

Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842, and claim rights or benefits under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen, if it also appeared that he had previously had his land taken from him by the government and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know that they did.

Q Have you any relatives who have previously come before this Commission for the purpose of being identified as Mississippi Choctaws, claiming under the same common ancestor through whom you claim? A None, except my sister.

Q Your sister's name is Permelia C.F. Chester? A Yes sir.

William A. Leslie-----6.

- Q Any others? A No sir, not that I know of.----Dessie C. Coffee.  
Q What relation is she to you? A My niece.  
Q Is she the daughter of this sister of yours? A Yes sir.  
Q And both claim through the same ancestor through whom you claim? A Yes sir.  
Q And both have appeared for identification on this date? A Yes sir.  
Q Do you desire to have their testimony considered with yours in order that the testimony of one may be considered with the testimony of the other? A Yes sir.  
Q Do you speak or understand the Choctaw language? A No sir.  
Q Have you any evidence proper to be presented to this Commission which you wish to offer now? A No sir, none today.  
Q Have you any request to make in reference to a presentation of testimony hereafter?

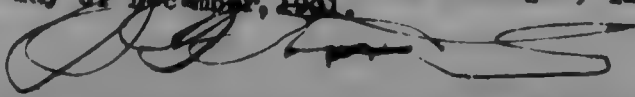
Mr Arnold: We would like to have reasonable time.

Reasonable time will be allowed this applicant in which to furnish proper testimony or evidence in support of this application which he makes for himself and children for identification as Mississippi Choctaws.

This applicant has the appearance and physical characteristics of being descended from a mixed parentage consisting in a great part of white blood and in which there is a strain of blood other than white. His testimony is that he has one eighth Choctaw blood. His color is dark; his hair is black, or was--it is now sprinkled with gray; brown eyes; it would appear that he has the quantity of Indian blood which he claims. Permelia D.F. Chester, his sister, and his niece Dessie C. Coffee, who also appear at this time before the Commission, are not as dark as this applicant, and yet show some traces of blood other than white. He does not understand the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of December, 1901.

*H.C. Risteen*  


Commissioner.

Muskogee, Indian Territory, January 3, 1902.

J. E. Arnold,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 30, 1901, inclosing certified copy of the marriage license between Mr. A. Leslie and Miss W. T. Wilkison, which you offer for filing in support of the application for identification as Mississippi Choctaw of William A. Leslie, et al. The same has been filed with the other records in this case.

Yours truly,

Commissioner in Charge.

NO 4325

M.C.R. 4325.

Muskogee, Indian Territory, January 15, 1903.

William A. Leslie,

Avia, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fernelia C. F. Chester, et al., embracing the following applications for identification as Mississippi Choctaws:

Fernelia C. F. Chester, et al.,	M.C.R. 4323,
Dessie G. Coffee, et al.,	M.C.R. 4324,
William A. Leslie, et al.,	M.C.R. 4325.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fernelia C. F. Chester, Robert Chester, William Chester, Robert Chester, Dorothy Chester, Myrtle Chester, Fannie Chester, Dessie G. Coffee, Jimmie Coffee, William A. Leslie, Theo Leslie, Early Leslie and Fanela Leslie as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

W. A. L. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, February 2, 1903.

William A. Leslie,

Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, relative to the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Permelia C. F. Chester, et al. You state that the letters of the Commission notifying you of its decision in this case were not received by the applicants until too late to file arguments in support of their claims. You ask that the time for filing such arguments be extended.

In reply to your letter you are informed that the fifteen days from January 15, 1903, heretofore granted in this case within which to file arguments, expired on January 30, 1903. On January 31, 1903, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The applicants will be duly notified of such action as may be taken by him.

You are further advised that the fifteen days granted applicants in Mississippi Choctaw cases within which to file arguments in support of their claims to be forwarded to the Secretary

W. A. L.---2

of the Interior are granted under specific departmental instructions and cannot be extended.

Respectfully,

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Acting Chairman.

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COPY.

M.C.R. 4325

Muskogee, Indian Territory, May 19, 1903.

William A. Leslie,

Ravia, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Permelia C. F. Chester, et al., of which decision you were advised by registered mail on the 15th day of January, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

## For Identification as a Mississippi Choctaw.

Date

DEC. 10 1901

Name William A. Leslie

Age 42

Blood 1/8

Post Office, Navasota, D. T.

Father: William Leslie, d.

Mother: Catherine " d.

Claims through father —  
wife.

Mary R. Leslie, w. (d.)

No claim for wife.

Children:

Thea Leslie, F. 9

Earley " M. 7

Pansola " F. 5

Claims for self &  
children.

Stenographer H. C. Ritten

Choctaw MCR 4326

Malcolm E. Walker

See MCR 3800

MCR 4326

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., December 10, 1901.

4326.

In the matter of the application of Malcolm E. Walker for identification as a Mississippi Choctaw.

---Applicant represented by J. E. Arnold, attorney---

Malcolm E. Walker, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Malcolm E. Walker.  
Q What is your age? A Twenty seven.  
Q What is your post office address? A Rubyville, Tennessee.  
Q How long have you lived at Rubyville? A About five years.  
Q Where did you live before that? A Mississippi.  
Q Where were you born? A In Mississippi.  
Q What place in Mississippi? A Tate county.  
Q Did you always live in Mississippi until you went to Tennessee?  
A Yes sir.  
Q What is your father's name? A Montezuma V. Walker.  
Q He appeared for identification as a Mississippi Choctaw on this date, did he not? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Katura E.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No sir.  
Q When and where were your father and mother married? A In Mississippi, Tate county.  
Q Do you remember the date? A November 6, 1873.  
Q By a minister and under license? A Yes sir.  
Q Can you produce the proof of their marriage if given time?  
A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Are you married? A No sir.  
Q You claim for yourself alone, do you? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you ever make application for enrollment as a Choctaw Indian to the Choctaw tribal authorities in Indian Territory? A No sir.

Malcolm E. Walker---- -2.

Q Have you ever made application to be enrolled as a member of the Choctaw tribe of Indians to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Is this the first application of any kind that you have ever made for citizenship or membership in the Choctaw tribe of Indians to any authority whatever? A Yes sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I have heard it read several times but I would like to hear it again.

Q Do you want it explained further? A Yes sir.

The treaty of 1830 was made between the Choctaw Indians in Mississippi and Alabama and the United States government in the year 1830 at a place called Dancing Rabbit Creek in Mississippi, and was made for the purpose of effecting the removal of all of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became certain that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians article fourteen was put into that treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand the provisions of that article all right now? A Yes sir, I think so.

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir, I do not.

Q What is the name of your ancestor through whom you claim your

Malcolm H. Walker-----3.

- right to be identified as a Mississippi Choctaw? A Sarah Booth.
- Q How much Choctaw blood did she have? A One half I think, I am not certain.
- Q What makes you think she had one half. A I will tell you what makes me think it---When I was small, I couldn't talk plain and my grandfather said it was because I was Scotch and Choctaw mixed, and he told me that she had one half Choctaw blood.
- Q Did she speak the Choctaw language and have a Choctaw Indian name? A I don't know sir.
- Q Did she live in Mississippi or Alabama? A I don't know sir whether she did or not.
- Q Do you know whether she lived in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir.
- Q You don't know whether she was the mother of children there at that time? A No sir, I do not.
- Q How old would she be if living now? A She would be something over one hundred years old. She was born in 1789
- Q Are you sure that date is right? A No sir, I wouldn't be sure it is right.
- Q At what place was she born? A She was born in Alabama, but I don't know what place.
- Q Do you know what county? A No sir.
- Q What was your grandfather or grandmother's name through whom you claim your Choctaw blood? A I claim it through my great grandmother.
- Q Do you claim through your grandfather or grandmother? A Grandfather, Jeptha V. Walker.
- Q Did he ever live in Mississippi or Alabama? A Yes sir, lived in Mississippi.
- Q Did he have a family there in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 and 1836? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any under article fourteen of the treaty of 1830 in Mississippi or Alabama? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors claim under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know sir.
- Q Did you ever hear of the Commission of 1837 appointed by Congress on March 3 of that year? A No sir.
- Q Did you ever hear of the Commission of 1842 appointed by Congress by an act approved August 23 of that year? A No sir.

These Commissions heard claimants under article fourteen of the treaty of Dancing Rabbit Creek and made lists of the

Malcolm E. Walker-----4.

names of the persons who appeared before each of them respectively. The reason why these Commissions were appointed was because a great many Choctaw Indians complained that they went to Colonel Ward, who was the United States Indian Agent, within six months after the ratification of the treaty of 1830, and register their names with him as members of the Choctaw tribe who desired to stay in Mississippi and take land there and become citizens of the United States, but that he left their names off his list or register, and because he did so, a great many Indians who were entitled to land in the old Choctaw Nation in Mississippi and Alabama had their land taken away from them by the government and sold.

Q Did any of your ancestors appear before either of these two Commissions? A I don't know sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it further appeared that his land had been taken from him by the government, he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that he should receive a certificate or scrip to that effect.

Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A I don't know sir.

Q Have you any relatives who have applied for identification before this Commission previous to your application? A Yes sir, my father, Montezuma V. Walker, J. W. Lipsy and his daughter, Alma Pason, J. H. Walker.

Q Do you want to have the testimony given by these different parties who are relatives of yours claiming through the same ancestor considered with yours? A Yes sir.

Q Have you any evidence or proof you desire to present now or any witnesses you want to call? A No sir.

Q Do you want reasonable time in which to present proper evidence? A Yes sir.

A reasonable time will be allowed for that purpose.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion, dark eyes and black hair. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause

Malcolm H. Walker-----5.

on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H. C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 20th day of December, 1901.

*[Signature]*

Commissioner.



COPY.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.R. 4326.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Malcolm B. Walker,  
Rubyville, Tennessee.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Evenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said ~~article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their~~ identification as such should be refused, and is so ordered.”

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED). *Tams Bixby.*

Acting Chairman.

COPY.

Muskogee, Indian Territory, July 29, 1903.

Malcolm E. Walker,  
Rubyville, Tennessee.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsay, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

## For Identification as a Mississippi Choctaw.

Date

DEC 10 1901

Name *Malcolm E. Walker*

Age

*27*

Blood,

*1/6*

Post Office,

*Kiubyville, Tenn.*

Father:

*Montezuma V. Walker, l.*

Mother:

*Natura E. " l*

Claims through

*Father*~~Children:~~*Claims for self alone**H. C. Ransom*

Choctaw MCR 4327

Jeff E. Walker

See MCR 3800

MCR 4327

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

4327.

In the matter of the application of Jeff E. Walker for identification as a Mississippi Choctaw.

--Represented by J. E. Arnold, Attorney---

Jeff E. Walker, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Jeff E. Walker.  
Q What is your age? A Twenty one.  
Q Are you married? A No sir.  
Q What is your post office address? A Rubyville, Tennessee.  
Q How long have you lived there? A About five years.  
Q Where did you live before that? A In Mississippi.  
Q Where were you born? A Mississippi.  
Q And always lived there until you went to Rubyville? A Yes sir.  
Q Did you live in the same place? A No, we didn't live in the same place in Mississippi.  
Q Where did you live most of your time in Mississippi? A Tate county.  
Q What is your father's name? A Montezuma V. Walker.  
Q He is living? A Yes sir.  
Q What is your mother's name? A Katura E. Walker.  
Q Is your mother living? A Yes sir.  
Q Your father made application today for identification as a Mississippi Choctaw? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A No sir.  
Q When and where were your father and mother married? A In Mississippi, Tate county.  
Q Do you know what date? A I knew the year but I don't know the date.  
Q What was the year? A 1873.  
Q Were they married by a minister and under licence A Yes sir.  
Q Do you think you could produce the evidence of their marriage if given time? A Yes sir.

Reasonable time will be given for that purpose.

- Q You are not married? A No sir.  
Q Do you claim for anybody besides yourself? A No sir.

Jeff H. Walker-----2.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?

A No sir.

Q Have you ever made application to be enrolled as a citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q This is your first application, is it, for citizenship or enrollment as a Choctaw Indian to either the Choctaw tribal authorities or the United States authorities? A Yes sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand the provisions of that article? A Yes sir.

Q Would you like to have it further explained? A Yes, I believe I would.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi, and was made for the purpose of the removal of all of the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests, article fourteen was put into that treaty. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply with the provisions of that article of that treaty? A I don't know sir.

Q What is the name of your ancestor through whom you are claiming your identification? A Through my grandfather Jephtha V. Walker,



Jeff B. Walker-----3.

and he claimed through Sarah Booth

Q Is Sarah Booth the ancestor that you claim through? A Yes sir.

Q How much Choctaw blood did she have? A One half.

Q How do you know she had one half Choctaw blood? A That is what I have been told by my father.

Q Been taught that in the family? A Yes sir.

Q Did she speak the Choctaw language or have a Choctaw Indian name? A I don't know sir.

Q Did she live in Mississippi in 1830? A I don't know whether she did or not.

Q Did she ever live in Alabama? A I have been told she did.

Q In what part of Alabama did she live? A I don't know sir.

Q Do you know where she was born or when? A No sir.

Q Do you know where or when she died? A No sir.

Q Do you know whether she had a family in Mississippi or Alabama in 1830? A No sir, I do not.

Q You claim thorough your father? A Yes sir.

Q How old is he now? A Forty nine.

Q Through whom did he claim? A His father.

Q What was his father's name? A Jephtha V. Walker.

Q Did he ever live in Mississippi or Alabama? A Yes sir, in Mississippi.

Q Did he have a family there in 1830? A I don't know.

Q Do you know where he was born or when? A I was told he was born in Alabama.

Q Do you know where and when he died? A He died in Mississippi.

Q Do you know where in Mississippi? A Tate county, Mississippi.

Q At what age? A He was eighty eight years old.

Q How long ago was it when he died? A It has been about seventeen or eighteen years.

Q This was your grandfather? A Yes sir.

Q He would then be in the neighborhood of one hundred years old if living now? A Yes sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

Q Did they own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

Q Do you know whether any of your Choctaw ancestors claimed any rights under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir, I don't know.

The Indians who stayed in Mississippi after the treaty of 1830 was ratified, many of them, attempted to take advantage of

Jeff E. Walker-----4.

the provisions of article fourteen of the treaty of 1830 by going to the United States Indian Agent and telling him they wanted to stay in Mississippi, take land there and become citizens of the United States. Colonel Ward, who was the United States Indian Agent at that time, failed to make a complete list of all of the claimants under that article. His list known as Ward's Register contains the names of only a few of those who made applications before him within that time. His neglect in this matter caused a great many Indians who held land in Mississippi and Alabama to have their land and improvements taken from them by the government and sold. This caused a great many complaints so that in 1837 Congress appointed a Commission under an act approved March 3rd of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress for the same purpose, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty, and both of these Commissions made lists of the names of all claimants who came before each of them respectively.

Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 claiming rights under article fourteen of the treaty of Dancing Rabbit Creek? A I am told Sarah Booth did about 1837.

Q What have you heard about Sarah Booth having gone before the Commission in 1837? A I heard that she enrolled.

Q Did she receive any benefits by going before that Commission, in Mississippi or Alabama? A I don't know whether she did or not.

Q Where did you learn the fact that she made application before the Commission of 1837? A I think through my father and relations.

Q Have you any documentary evidence you would like to present now in support of this claim? A Not at the present.

Q Would you like reasonable time in which to present proper evidence in this case? A Yes sir.

Reasonable time will be allowed this applicant for that purpose .

Q Do you understand or speak the Choctaw language? A No sir.

Q Will you give the names of relatives of yours who have appeared before the Commission? A J.W. Lipsey, a cousin of mine, my father Montezuma V. Walker, my brother Malcolm E. Walker, and Jabbus M. Walker. And a lady by name of Mason, I don't know her given name.

Q Would you like to have their testimony considered with yours? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark complexion, dark eyes, and dark hair. He has no knowledge of the Choctaw language, and no knowledge of any compliance on the part of his ancestors with any of the provisions of article

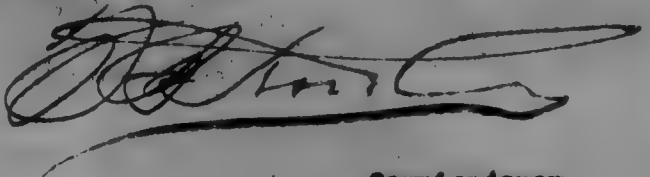
Jeff H. Walker-----8.

fourteen of the treaty of 1830.

I, J. H. Walker, having been first duly sworn, upon his oath states; that as stenographer to the Commission to the Five Civilized Tribes he reports full all proceedings had in the above entitled cause on the 12th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Muskogee, Indian Territory, this 27 day of December, 1901,



Commissioner.

COPY.

COMMISSIONERS

HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4327.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Jeff E. Walker,

Rubyville, Tennessee.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Self, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jeptha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Elijah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lillian C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Lelia E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulalia A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jeptha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jephtha L. Walker, Charles L. Walker, Jephtha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jephtha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

*Louis Dixon.*

Acting Chairman.

COPY.

Muskegee, Indian Territory, July 29, 1903.

Jeff E. Walker,

Rubyville, Tennessee.

Dear Sir:

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date DEC 10 1901

Name Jeff. E. Walker.

Age 21 Blood 1/16

Post Office, Rubyville, Tenn.

Father: Montezuma S. Walker, b.

Mother: Katura E " l

Claims through father

~~Claims~~Claims for self  
done—

Stenographer H. C. Risher



Choctaw MCR 4328

Mandy McGarr

MCR 4328

**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Mandy McGarr, et  
al., for identification as Mississippi Choctaws. N.C.R. 4328.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above entitled case.

Original application of Mandy McGarr, et  
al., to the Dawes Commission for identi-  
fication as Mississippi Choctaws.....1

Decision of the Commission refusing the  
application of Mandy McGarr, et al., for  
identification as Mississippi Choctaws.....7.

-----|-----

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

4328.

In the matter of the application of Mandy McGarr for the identification of herself and her three minor children, Johnnie, Toby and Tommie McGarr, as Mississippi Cheetaws.

--Represented by J.E. Arnold, attorney.--

Mandy McGarr, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mandy McGarr.  
Q What is your age? A Forty six.  
Q What is your post office address? A Woodville.  
Q Indian Territory? A Yes sir.  
Q How long have you lived at Woodville? A About seven years.  
Q Where did you live before that? A I came from eastern Texas.  
Q Where were you born? A Eastern Texas.  
Q And always lived there until you went to Woodville? A Yes sir.  
Q What is your father's name? A Tom Kelly.  
Q Is he living? A No sir.  
Q What is your mother's name? A Ann Kelly.  
Q Is she living or dead? A She is dead.  
Q Through which parent do you claim Cheetaw blood? A My mother.  
Q How much Cheetaw blood do you claim? A My great grandmother was a Leflore, she was a full blood.  
Q You claim how much Cheetaw blood? A I don't know.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or by the United States authorities in Indian Territory? A Not that I know of.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A John McGarr.  
Q Is he living? A Yes sir, that's him sitting right back there.  
Q A white man? A Yes sir.  
Q Do you make any claim for him? A No sir, I never made any for him.  
Q Do you make any now? A No sir.  
Q Have you any children you want to make application for? A Yes sir, I have three.  
Q What is the name of the eldest? A Johnnie.  
Q Boy? A Yes sir.  
Q How old is Johnnie? A He is sixteen.  
Q What is the name of the next? A Toby.  
Q Is that a boy? A Yes sir.  
Q How old is Toby? A He is ten.  
Q Next? A A girl, eight.  
Q What is her name? A Tommie.  
Q Is John McGarr the father of these children? A Yes sir.  
Q Was he ever married before he married you? A No sir.

Nandy McEarr-----2.

Q Were you ever married before you married him? A No sir.

Q How long have you been married to your husband? A For about twenty five years.

Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?

A No sir, never have.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever before this time sought to become enrolled as a member of the Choctaw tribe of Indians, together with your children, by making application either to the Choctaw tribal authorities or the United States authorities in Indian Territory?

A No sir.

Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand what article fourteen means---what it provides? A No sir.

Q Do you understand what an article in a treaty is? A I don't know as I do.

Q Do you understand what a treaty is? A No, I don't know.

Q A treaty is an agreement in writing---You know what an agreement is, don't you? A Yes sir.

Sometimes an agreement is made between two or more persons in writing and is signed by them---That is an agreement in writing. A treaty is an agreement in writing or more properly a compact---instead of being made between persons it is made between nations, and is called a treaty. It is an agreement just the same between those nations, and an article in a treaty is one of the sub-divisions of it. Such a treaty as that was made between the United States government and the Choctaw Indians who lived in Mississippi and Alabama in the old Choctaw Nation in the year 1830. That treaty is sometimes called treaty of Dancing Rabbit Creek because it was made at a place of that name in Mississippi. It was signed on the 27th day of September, 1830, and was afterwards ratified on the 24th day of February, 1831. The object of the treaty was the removal of all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that old Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became known that a great many Choctaw Indians would not go to the new Choctaw Nation, Indian Territory with the other Indians who afterwards did go under the treaty, and in order to protect their interests and their

Mandy McGarr-----3.

interests and their rights, it was necessary to make some provision in that treaty before anybody would sign it on the part of the Choctaw Nation, so article fourteen was drawn up and was put into that treaty, and the treaty was afterwards signed and then afterwards became ratified. Article fourteen was drafted for the especial benefit of those Choctaw Indians who stayed back in the old Choctaw Nation, and reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be over ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand the provisions of that article now?

A Yes sir.

Q Do you know whether any of your Choctaw ancestors complied with that article or any of its provisions? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A The Lflore.

Q What relation was Lflore to you? A My great grandmother.

Q What was her first name? A I don't know sir.

Q How much Choctaw blood did she have? A I couldn't tell you.

Q Did she live in Mississippi or Alabama in 1830? A In Mississippi.

Q Did she have a family there at that time? A I couldn't tell you whether she did or not.

Q Do you know what her name--what her husband's name was? A No sir.

Q How much Choctaw blood did she have? A I don't know sir.

Q Did she claim through her father or mother? A I don't know sir, which.

Q Do you know what her father's or mother's name was? A No sir.

Q You claim through your mother? A Yes sir.

Q What was her ~~ma~~ maiden name? A Ann Anderson.

Q Did she ever live in Mississippi? A Yes sir.

Q Was she born in Mississippi? A Yes sir.

Q Do you know when she was born? A No sir.

Q Do you know when and where she died? A Yes sir, we lived below Fort Worth, Texas.

Q When did she die there? A I couldn't tell you exactly.

Q About when? A I reckon about twenty years ago as near as I can remember.

Q She died in Texas? A Yes sir.

Q Did she speak the Choctaw language or have a Choctaw Indian name? A No sir, not much.

Q Did she speak a little Choctaw? A Yes sir, right smart.

Mandy McGarr-----4.

- Q Could she talk with any Choctaw? A Yes sir.
- Q Do you know the Choctaw language from any other language when you hear it spoken? A Yes sir, some.
- Q Do you speak the Choctaw language? A No sir.
- Q Your mother claimed through her mother? A Yes sir.
- Q Ann Anderson was your mother? A Yes sir.
- Q Ann Anderson claimed through which parent? A Her mother was named Leflore.
- Q Was Leflore the maiden name or married name? A I don't know
- Q You don't know very much about your ancestor Leflore? A No sir, I don't know much about it.
- Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and signify before him their intention to remain in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836? A No sir.
- Q Did any of them own or claim any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A No sir.
- Q Do you know whether they claimed any land or received any or any benefits of any kind under any other article of that treaty of 1830 than article fourteen or under the supplement of the treaty? A No, sir, I don't know it.
- Q Did any of your Choctaw ancestors claim any rights or benefits or privileges of any kind under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir.

According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the Indians who stayed in Mississippi and Alabama after the treaty of 1830 was ratified in order to take advantage of the provisions of article fourteen of that treaty were required to go to the United States Indian Agent, whose name was Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States. In other words, they had to register their names with the agent within the time limited in Article fourteen, if they wanted to occupy land in Mississippi. They were obliged to live on that land five years if they desired to get a deed of it from the government, and when they made that application to Colonel Ward they were obliged to signify to him their desire to become citizens of the United States. Indians who did this--members of the Choctaw tribe--would have a right to hold land in Mississippi and only those would have a right to claim land in Mississippi and Alabama in the old Choctaw nation. They would afterwards have a right to go to the Choctaw Nation, Indian Territory, and assert all the rights and privileges of citizenship there in the Choctaw Nation, Indian Territory, except that they could not share in the annuities that were given to other Indians that removed under the other articles of the treaty of 1830. A great many Indians went to Colonel Ward in compliance with the provisions of article

Mandy McGarr-----5.

fourteen of that treaty of 1830 and attempted to register their names with him but failed to get their names placed upon his list known as Ward's Register. This failure on the part of the United States Indian Agent in this matter caused a great many Indians who held land in Mississippi upon which they had improvements to lose both the land and the improvements they had on it, for both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians, so much so that in 1837 by act approved March 3 of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty of 1830 and made a list of the names of those Indians who came before it. In 1842, another Commission was appointed by Congress under an act approved August 23 of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits under article fourteen of that treaty? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had his land taken from him by the government and sold, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate should be given to him to that effect. These certificates were called scrip.

Q Did any of your ancestors if Choctaw Indians receive any such scrip from the government? A Not that I know of.

Q Have you any documentary or any other proper evidence that you want to present now in support of this claim? A No.

Q Would you like reasonable time in which to present it? A Yes.

Reasonable time will be allowed this applicant in which to furnish proper evidence or the testimony of witnesses before the Commission if she desires in support of this application.

Q Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A The LeFlores is all I have got.

Q Do you know of any LeFlores who have come before the Commission to be identified? A No sir, they live close by.

Q Do you know of any who have been here---can you name any of them? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Is there anything more you want to say in support of this claim? A No sir.

By J. E. Arnold:

Q Are you acquainted with any of the LeFlores? A No sir, I never met with them; I just heard my mother talk about them.

By the Commission:

This applicant has the appearance and physical characteristics of

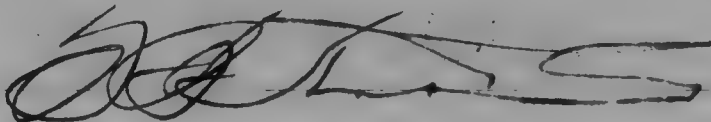
Nandy McGarr-----6.

being descended from white parentage. Her eyes are dark brown, rather dark complexion, black hair. She doesnot understand the Choctaw language and has no knowledge of any complaine by her ancestors with the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901 and that the above and feregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 27 day of December, 1901.



Commissioner.



L. E. D.  
C. W.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of Mandy McGarr, et al., for identification as Mississippi Choctaws, M.C.N. 4320.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mandy McGarr for herself and her three minor children, Johnnie, Toby and Tennie McGarr, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Ann Anderson, who is alleged to have been a Choctaw Indian (degree of blood not known).

It further appears that the applicants claim that the mother of Ann Anderson was a Leflore, but they are unable to give the first name of said Leflore, or state whether Leflore was the maiden or married name. The said applicants have had more than six months in which to secure additional evidence on that point, but ~~neither they nor their attorneys have offered to submit such additional evidence.~~

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ann Anderson, or any one bearing the name of Leflore signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency,

(3).

an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Randy McGarr, Jemmie McGarr, Toby McGarr and Fannie McGarr as Cheestaw Indians entitled to rights in the Cheestaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Bixby.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Madame, Indian Territory,

NOV 1 1902

PL

Muskogee, Indian Territory, November 1, 1902.

Wandy McGarr,

Woodville, Indian Territory.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Wandy McGarr, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Wandy McGarr, Johnnie McGarr, Toby McGarr and Tommie McGarr as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

Muskogee, Indian Territory, November 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mandy McGarr, et al., applicants to the Commission for identification as "Mississippi Choctaws."

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mandy McGarr, Johnnie McGarr, Toby McGarr and Tommie McGarr as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

M. McG.-----2.

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

*James D. [illegible]*  
Acting Chairman.

M. McG.-----2.

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

D.

*James Dixby.*  
Acting Chairman.

Registered.

COPY.

Kuskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mandy McGarr, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 1st, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Acting Chairman.

Enc. W.C.R. 4328.



Land.  
69,839-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, February 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Mandy McGarr for the identification of herself and her three minor children, Johnnie, Toby and Tommie McGarr, as Mississippi Choctaws.

On November 1, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the Choctaw treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence shows that the principal applicant, Mandy McGarr, claims to derive her Choctaw blood from her mother, Ann Kelly nee Andersen, and also claims that she had an ancestor, a Choctaw Indian, by the name of Leflore, but neither the record evidence nor an examination of the records of this office show that either of these applicants ever complied or attempted to comply with the provisions of said article 14 of the

treaty of 1830 or received a patent for land thereunder. The record evidence shows that none of the applicants are Choctaw Indians of the full blood.

By reason of the premises the office considers that the decision of the commission is correct and recommends that the same be approved by the Department.

Very respectfully,

(Signed)

A. C. Tonner,  
Acting Commissioner.

(W.C.B.)

P.

D.C.7504-1903.  
I.T.D.2048-1903.  
L.R.S.

C O P Y.

DEPARTMENT OF THE INTERIOR.

Washington.

March 18, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

November 17, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Mandy McGarr (M C R 4328), for herself and her three minor children, Johnnie, Toby and Tommie McGarr, including your decision of November 1, 1902, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Ann Anderson, and one Leflore, whose first name is not known, both of whom are alleged to have been Choctaws and residents of Mississippi in 1830. Their degree of Choctaw blood is not known.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that their alleged ancestors complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 19, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, March 26, 1903.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation.

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mandy McGarr, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

*Tams Bixby.*  
Chairman.

COPY.

Muskogee, Indian Territory, March 28, 1903.

Mandy Mc Garr,

Woodville, Indian Territory.

Dear Madam:

You are hereby notified that on the 1 day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mandy Mc Garr, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

(SIGNED).

*Tame Dixie*  
Chairman.

## For Identification as a Mississippi Choctaw.

Date

DEC. 10 1901

Name

Mandy McGarr.

Age

46.

Blood Don't know

Post Office,

Woodville, L. T.

Father:

Tom Kelly, d

Mother:

Ann " d

Claims through Mother

John McGarr b. w.  
No claim for husband.

Children:

Johnnie McGarr, M. 16

Toby

"

" 10

Tommy

" (F)

8

Claims for self &  
children

Choctaw MCR 4329

Louis L. Waillette

See MCR 4895

MCR 4329



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 10, 1901.

4329.

In the matter of the application of Louis L. Waillette for the identification of himself and his minor children, Lambert Waillette, as Mississippi Choctaws.

---Represented by J. E. Arnold, attorney---

Louis L. Waillette, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Louis L. Waillette.  
Q What is your age? A Twenty nine.  
Q What is your post office address? A Lynn, Louisiana.  
Q How long have you lived at Lynn? A I was born and raised there.  
Q Always lived there? A Yes sir.  
Q What is your father's name? A John B. Waillette.  
Q Is he living? A No sir, he is dead.  
Q Is your mother living? A Yes sir.  
Q What was her name? A Roselia Waillette.  
Q Through which parent do you claim your Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A One sixteenth.  
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.  
Q When and where were your father and mother married? A They were married in Natchitoches Parish, I think.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Emmie.  
Q Is she a Choctaw Indian or is she a white woman? A She is a white woman.  
Q Do you make any claim for her? A No sir.  
Q Have you any children that you want to make application for? A One.  
Q What is the name of that child? A Lambert.  
Q How old is he? A He is about fifteen months old.  
Q Is Emmie Waillette the mother of Lambert? A Yes sir.  
Q Is this child living with you at your home? A Yes sir.  
Q When and where were you married to your wife? A I was married in Louisiana on the 7th day of January, 1900.  
Q Have you the proof of that marriage with you? A No sir.  
Q Can you produce it if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.

Louis L. Waillette-----2.

Q Have you ever made application to be enrolled as a member of the Choctaw tribe of Indians to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No sir.

Q Have you ever before this time sought to become enrolled as a member of the Choctaw tribe of Indians by making application either to the Choctaw tribal authorities or the United States authorities?

A No sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw for yourself and the identification of your child as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand the provisions of that article of that treaty?

A Yes sir, I have read it.

Q Would you like to have it explained to you further? A No sir, I have got it at home and I have read it.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes sir, I think I do.

Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother--my greatgrandmother, I mean.

Q What was her name? A Nan-ta-wah.

Q Is that the Indian name of your great grandmother? A Yes sir.

Q Did she have an English name? A Not that I know of.

Q Did she speak the Choctaw language? A Yes sir.

Q How do you know she spoke the Choctaw language? A That is what they told me.

Q Who told you? A My mother; my mother can understand Choctaw

Q She can understand the Choctaw language? A She can understand some of it and speak a few words.

Q What was your mother's maiden name? A Roselia Laffette.

Q How much Choctaw blood did your mother have? A She had one eighth.

Q She claimed through which parent? A Through her mother.

Q What was her mother's name? A Her mother's name was Flores.

Q That was her maiden name? A Yes sir.

Louis L. Waillette-----3.

Q Do you remember her first name? A No sir.  
Q What was her married name? A Laffette.  
Q She claimed through which parent? A Her mother.  
Q What was her mother's name? A Nan-ta-wah.  
Q Did Nan-ta-wah live in Mississippi or Alabama? A Lived in Mississippi.  
Q Where in Mississippi? A I don't know, she came from Mississippi when she was a little girl so I was told.  
Q Did she live in Mississippi in 1830 and have a family there at that time? A She must have been in Louisiana at that time.  
Q Do you know of any of your Choctaw ancestors who lived in Mississippi in 1830 and had a family there then? A No sir.  
Q Did Nan-ta-wah's daughter, the one through whom you claim, speak or understand the Choctaw language? A I was told she could speak it.  
Q How old is your mother now? A She is about sixty six.  
Q Where was she born? A She was born in DeSoto Parish, Louisiana.  
Q Her mother's name was what? A Flores.  
Q What was her given name? A I don't know, but I think it is Salina.  
Q Did she live in Mississippi or Alabama, and if so when and where was she born? A She was born in DeSoto; My great grandmother came from Mississippi to Louisiana and they were all born in DeSoto Parish.  
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.  
Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian Agent of the Choctaw Indians in Mississippi and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.  
Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A Not that I know of.  
Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir, not that I know of.  
Q Did they own or claim any under any other article of that treaty or under the supplement of the treaty? A No sir, not that I know of.  
Q Did any of your Choctaw ancestors claim any rights or privileges under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir, not that I know of.  
Q Did any of your Choctaw ancestors appear before the Commission appointed under the act of Congress approved March 3, 1837, or the Commission appointed by act of Congress approved August 23, 1842, and claim benefits under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.  
Q Do you understand why those Commissions were appointed by Congress?  
A Yes sir, I believe I do.  
Q You understand they were appointed because Indians claimed they registered before Colonel Ward within six months from the ratification of the treaty as provided for by article fourteen of the treaty of Dancing Rabbit Creek, and that their names were not placed upon his Registry list---You understand that do you? A Yes sir.  
Q Did any of your Choctaw ancestors to your knowledge receive any scrip or a certificate from the United States government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

The reason why this scrip was issued was because whoever received

Louis J. Waillette-----4.

it proved that they had complied with the provisions of article fourteen of the treaty of 1830 and also proved that they had had in land in Mississippi which the government had taken from them and to which they were entitled?

Q You don't know whether any of your ancestors received any such scrip?

A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any documentary evidence you want to present now in support of this claim that you make? A No sir.

Q Do you desire time in which to present proper evidence in support of this claim?

Mr Arnold: A Yes sir, we would like time.

Reasonable time will be allowed this applicant on motion of his counsel in which to file or offer proper evidence or testimony in support of his application.

Q Have you any relatives who have appeared before this Commission to be identified as Mississippi Choctaws? A Yes sir, Joseph O. Flores, Meroe Laffette, Ed Poirer and Joe Clinton.

Q And others that you do not remember now? A Yes sir

Q Would you like to have the testimony of these relatives and all who claim through the same common ancestors considered with yours in order that you may get the benefit of their testimony? A Yes sir.

Q Is there anything further you want to say now in support of this claim? A No sir, I guess not.

Q How much French blood have you? A I have some Creole French and some Canadian French, but how much I don't know.

Q What relation of yours was a French Canadian? A My great grand father.

Q Did he speak the French language? A Yes sir.

Q Where do you get your Creole French blood? A From my father. He was born and raised in Louisiana.

Q Your white blood, is it all French? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, except that he has very dark hair, --very thick and black---and moustache and eye-brows are black; complexion is dark; eyes brown. He claims one sixteenth Choctaw blood seems to be derived from French parentage. He claims French blood not only from Canadian French ancestors but also from Creole ancestors; he does not understand or speak the Choctaw language but understands and speaks French and English. His dark hair and dark complexion are due to a certain extent to the French blood, but there is no evidence in his appearance that he has not Indian blood, and he may have the quantity which he claims. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

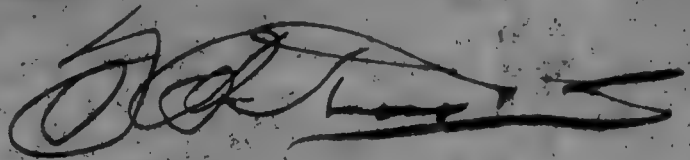
H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full

Louis L. Vallette-----3.

true and correct transcript of his stenographic notes of said proceeding  
on said date.

*H. C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory,  
this 27 day of December, 1901.



Commissioner.

Muskogee, Indian Territory, February 15, 1902.

J. E. Arnold,

Ardmore, Indian Territory,

Dear Sir:

There is returned you herewith certified copy of marriage license and certificate between L. Wallette and E. Ingram, inclosed with your letter of the thirteenth instant, for the reason that, as you have been suspended from practice as an attorney before the Commission, no papers can be accepted from you for filing in any cases which are pending before the Commission.

Yours truly,

Commissioner in Charge.

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COPY

Muskogee, Indian Territory, September 2, 1902.

Louis L. Wallette,  
Lynn, Louisiana.

Dear Sir:

You are hereby advised that on the 2nd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Roselia Wallette, et al., embracing the following applications for identification as Mississippi Choctaws:

Rosellian Wallette,	M C R 4329
Zelia Laurent, et al.,	" 4396
Angele Laurent,	" 4396
Olevia Wallette, et al.,	" 4397
John B. Wallette, et al.,	" 4478
Louis L. Wallette, et al.,	" 4329
Joe Clanton, et al.,	" 3101
Mare Flores, et al.,	" 3467
Mary E. Beach, et al.,	" 3098
John Brachier, et al.,	" 2687
Joseph G. Flores, et al.,	" 2686
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3108
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubas, et al.,	" 3103
Minnie Hesser,	" 3049
James Flores, et al.,	" 3714
Sylvester Hambin, et al.,	" 3712
Joseph L. Hambin, et al.,	" 3931
Della Hambin, et al.,	" 3931
Carrie L. Hambin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Hambin, et al.,	" 3953
Minna Perier, et al.,	" 3239
Sterling Perier, et al.,	" 3244



L L V-2.

Blunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Lem Dupre,	" 2243
Edward L. Grumbles, et al.,	" 2240
Annie Flores, et al.,	" 3950
Charley B. McCause, et al.,	" 2242

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rozelia Waillette, Zelia Laurent, Jonoe Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Olivia Waillette, Earnest Waillette, Edwin Waillette, Leo Waillette, Eva Waillette, John B. Waillette, Gertrude Waillette, Eugenia Waillette, John Steven Waillette, Louis L. Waillette, Lambert Waillette, Joe Clanton, Dan Clanton, Mero Flores, Angela Flores, Mary E. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Slean Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubaz, Joe Dubaz, John Dubaz, Napoleon Dubaz, Minnie Hesser, James Flores, William Flores, Walter Flores, Lavinia Flores, May Flores, Sylvester Rambin, Sydney Rambin, Samuel Rambin, Mattie Rambin, Pearl Rambin, Birdie Rambin, Zada Rambin, Joseph L. Rambin, Mary Z. Rambin, Della Rambin, Joseph Arnold Rambin, Carrie L. Rambin, Myrtle L. Rambin, Lawrence L. Rambin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary E. Legrand, Joseph W. Legrand, George M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Beney Rambin, Joseph O.



L L-3.

Ramblin, Arthur Ramblin, Lula Ramblin, Joseph McQ. Ramblin, Johnnie Ramblin, Edmund Perier, Winnie Perier, Annie Bell Perier, Sterling Brier, Elunetta Deaton, Eddie Lee Deaton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Millie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie W. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Eddie McCause, Mabel McCause, Pearl McCause, and Birdie McCause as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

*Samuel Dixey*

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 25, 1903.

Louis L. Wallette,

Lynn, Louisiana.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rexelia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*James B. ...*  
Chairman.

M.C.R. 4329.

COPY

Muskogee, Indian Territory, November 12, 1906.

Louis L. Walette,  
Lynn, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior on October 30, 1906, denied the request of E. L. Grumble of Pauls Valley, Indian Territory, of June 20, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Walette, et al.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

MCR-4329

Muskogee, Indian Territory, March 2, 1907.

Louis L. Wallette,  
Lynn, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Patchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by E. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Rozelia Wallette et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw

Date

DEC 10 1901.

Name *Louis L. Walleter*

Age *29*

Blood *1/16*

Post Office, *Lynn, La.*

Father: *John B. Walleter, d.*

Mother: *Roselia " b.*

*Claims through mother*  
*wife.*

*Emmie Walleter, w.*

*No claim for wife.*

Children:

*Lambert Walleter, 15 m.*

*Claims for self &*  
*child —*

Stenographer *H. C. Rixson.*

Choctaw MCR 4330

Matilda E. Jefferson

See MCR 157

MCR 4330

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, December 11, 1901.

#4330.

In the matter of the application of Matilda E. Jefferson, for the identification of herself and her four minor children, William W., Clarence V., Jennie G., and Homer V. Jefferson, as Mississippi Choctaws.

Applicant represented by J. E. Arnold, Attorney.

Matilda E. Jefferson, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Matilda E. Jefferson.  
Q What is your age? A Thirty years.  
Q What is your post office address? A Neosoma, Texas.  
Q What is it? A Neosoma Texas.  
Q N-e-o-s-o-m-a ? A Yes sir.  
Q How long have you lived at Neosoma? A I have lived near Neosoma about twelve months.  
Q Where did you live before you lived there? A Lived in the Choctaw Nation.  
Q Indian Territory? A Yes sir.  
Q How long did you live there? A Seven years.  
Q Where did you live before you lived there? A I was born and raised in Texas.  
Q What place in Texas? A Parker County Texas, near Weatherford.  
Q And from Texas you went to the Indian Territory and then back to Texas? A Yes sir.

(2).

- Q What is your father's name? A Nehemiah Vernon.  
Q Nehemiah? A Yes sir.  
Q How do you spell that? A N-e-h-e-m-i-a-h .  
Q Nehemiah Jefferson? A Vernon.  
Q Yes, Vernon. Is he living? A Yes sir.  
Q He is living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Nancy Vernon.  
Q Through which parent do you claim Choctaw blood? A Through my father.  
Q How much do you claim? A One-eighth.  
Q One-eighth? A Yes sir.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A No sir.  
Q Has your father ever made application for citizenship, or to be identified? A No sir.  
Q When and where were your father and mother married? A In Missouri.  
Q Do you remember the place in Missouri? A No sir, I believe not.  
Q Do you remember the date of their marriage? A No sir.  
Q Do you think you could prove their marriage if given time to do so A Yes sir, I think I could.  
Q Reasonable time will be allowed for that purpose. A Yes sir.  
Q Are you married? A No sir, I am a widow.  
Q Have you any children you want to make application for under twenty-one years of age and unmarried? A Yes sir, I have four.  
Q What is the name of the oldest? A William Walter.  
Q William W. A Yes sir. Jefferson.  
Q How old is he? A Well, I might say ten, he's so near ten years old.  
Q What is the name of the next? A Clarence Virgill.  
Q Clarence? A Yes sir.  
Q How old is Clarence? A He's eight years old.  
Q The next? A The next one is Jennie Grace.  
Q What is it? A Jennie Grace.  
Q How old is she? A Four years.  
Q The next? A Homer Vernon.  
Q Homer V. Jefferson, how old is he? A He's, I will say two years old.  
Q You make application for these children do you? A Yes sir.  
Q And yourself? A Yes sir.  
Q What was the name of your husband, the father of these children? A What was his name?  
Q Yes, what was his name? A William Ellis.  
Q William E. Jefferson is it? A Yes sir.  
Q When did he die? A Last December. The 3rd day of last December.  
Q He was a white man? Not an Indian was he? A No sir.  
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children, to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No



(3).

sir.

- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation, by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q You made no effort to become enrolled by a judgment of the United States Court in 1896? A No sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws, claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that Treaty? A Well, I suppose it's an agreement between Nations.
- Q Yes, it was an agreement or compact made between the Choctaw Nation and the United States Government, which was made in the year 1830. It was signed on the twenty-seventh day of September of that year, and ratified on the twenty-fourth day of February following, in eighteen hundred and thirty-one. The object of that treaty was to remove all of the Choctaw Indians who lived in Mississippi and Alabama, in the old Choctaw Nation from there to the Choctaw Nation, Indian Territory. That was the principal reason, and by the terms of that treaty all of the property claimed by the Choctaw Indians in the old Choctaw Nation was ceded to the United States Government. Before the treaty was signed it became known that a good many Choctaws wouldn't go to the Choctaw Nation Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. That Article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

(4).

- Q Do you think you understand that now? A Yes sir, I believe I do.
- Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir, I don't think I do.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Green Vernon.
- Q Green Vernon? A Yes sir, I think from what I have heard my people talk.
- Q What kin was he to you? A He was my grandfather.
- Q Did he live in Mississippi or Alabama at any time? A He lived in Mississippi.
- Q Did he live in Mississippi in the year 1830? A I do not know.
- Q Do you know whether he had a family there at that time? A No sir I don't.
- Q Where was he born? A Why, I couldn't tell you that. I don't know.
- Q Do you know when he was born? A No sir.
- Q When and where he died? A Well, I don't know for certain. Seems to me I have heard my people say he died here in the Territory. I don't know. That was before I can remember.
- Q You claim through your father, Nehemiah Vernon. How old is he? A He will be seventy-six years old-----well, I will say seventy-six. He was seventy-six in March.
- Q He never has made application then before this Commission? A No sir.
- Q Where is he living now? A He's living in the Choctaw Nation at Lehigh.
- Q Where was he born? A He was born in Missouri.
- Q In Missouri, about seventy-six years ago? A Yes sir.
- Q Did he ever live in Mississippi? A No sir.
- Q He claims through which parent? His father? A Yes sir.
- Q Green Vernon? A Yes sir.
- Q Did Nehemiah Vernon, your father, ever tell you anything about Green Vernon's Choctaw blood, how much he had? A No sir, I don't know for certain that he ever told me how much exactly. I have heard them talk about it.
- Q Did you know your grandfather, Green Vernon? A No sir.
- Q What? A No sir.
- Q You never saw him? A No sir.
- Q Do you know through whom Green Vernon claims his Choctaw blood whether his father or mother? A His father I think, Richard Vernon.
- Q How much Choctaw blood did Green Vernon have? A I don't know.
- Q Do you know how much his father, Richard Vernon had? A No sir.
- Q Did Richard Vernon live in Mississippi? A I don't know.
- Q Have any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama in 1830, or any time before that? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent, and tell him they wanted to stay in Mississippi and take land there, and become citizens of the States? A I don't know.
- Q Did any of them ever go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did green Vernon have an Indian name or speak the Choctaw Language? A I don't know sir. Never saw him.
- Q Did any of your Choctaw ancestors own or claim any land in Miss-

(5).

Mississippi or Alabama under Article XIV of the Treaty of 1830? A I don't know.

Q Did they own or claim any land or any benefits of any kind under any other article of the Treaty of 1830 than Article XIV or under the Supplement of that Treaty? A Not that I know of.

Q Did any of your Choctaw ancestors claim any rights, benefits or privileges under any treaty made between the United States Government and the Choctaw Indians other than the Treaty of 1830. A Not that I know of.

Q The Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the Treaty of 1830 was ratified, refusing to go to the Indian Territory, were obliged, in order to take advantage of the provisions of Article XIV of that Treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him they wanted to stay in Mississippi, take land there, and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon a list made by him, known as Ward's Register. His failure to make a complete list of the names of all of those claimants under Article XIV caused a great many Indians who held land in Mississippi to lose both their land and the improvements which they had upon it. Both were taken by the Government and sold at its public land sales. This caused so many complaints among the Indians that finally on account of them, Congress in 1837, by an Act approved March 3, of that year, appointed a Commission. This Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. In 1842 Congress appointed another Commission for the same purpose, and this Commission also went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. Did any of your ancestors go before either the Commission of 1837 or the Commission of 1842? A I do not know.

Q And claim benefits under Article XIV of that Treaty? A I don't know.

Q The Act of Congress approved August 23, 1842, provided that if any Choctaw Indians proved his claim under Article XIV of the Treaty of Dancing Rabbit Creek, if it also appeared further that he had had his land in Mississippi taken from him by the Government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government? A I don't know.

Q Will you give the names of some of your relatives who have come before this Commission to be identified as Mississippi Choctaws and who claim through either Green Vernon or Richard Vernon? A B. C. Vernon is one of them.

Q B. C.? A Yes sir.

Q Any others? A J. M. Vernon.

Q J. M.? A J. M., and several others.

Q What? A Several more. Is it necessary to give all?

Q Well, give two or three more. A Well, there's J. N. Vernon. One is J. M. and one J. N.

Q Where did these people appear? A They appeared at Atoka, I believe.

Q At Atoka, A Yes sir.

Q About how long ago? A Well, I guess it was last November, I suppose. I think it was.

Q Are there a great many others whose names you don't now recall?

(6).

- A Yes sir, a great many.
- Q Do you want to have the testimony and records-----the testimony taken and the records made in all these cases of your relatives who have appeared for identification claiming through the same Common ancestor with you, considered with your case, so that you can get the benefit of what they have testified to? A No, sir, I don't know as it's necessary.
- Q You will get the benefit of what they have testified to? A Oh! yes, yes, I didn't understand the question.
- Q Have you any documentary or other proper evidence that you want to present now? A No sir.
- Q Have you any witnesses you would like to call before the Commission? A No sir. I have a witness here if you think it's necessary, to prove my relationship. I have a brother here.
- Q You have a brother here? A Yes sir.

-----

Eldridge C. Vernon, being first duly sworn as a witness in the above entitled cause, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name-----full name? A Eldridge C. Vernon.
- Q Your name is Eldridge C. Vernon? A C. Vernon, yes sir.
- Q What is your age, Mr. Vernon? A I am thirty-eight.
- Q What is your post office address? A Lehigh, Indian Territory.
- Q Have you ever made application for identification before this Commission? A Yes sir.
- Q Claiming as a Mississippi Choctaw? A Yes sir.
- Q What do you know in reference to the parentage and blood of your sister, Matilda E. Jefferson? A Why, she's a sister of mine.
- Q And her father's name was what? A Was Nehemiah Vernon.
- Q What? A Nehemiah Vernon.
- Q Your father also? A Yes sir.
- Q You both claim your blood through him? A Yes sir.
- Q How much Choctaw blood did he have? A Our grandfather, I believe was considered one-half.
- Q What was his name? A It was Green Vernon.
- Q Green Vernon? A Yes sir.
- Q What was his father's name? A Richard Vernon.
- Q Did Green Vernon or Richard Vernon live in Mississippi? A Yes

(7).

sir.

- Q Where was Green Vernon born? A I declare I couldn't tell you, where he was born.
- Q Do you know where he died? A No sir, I do not.
- Q At what time in his life did he live in Mississippi? A I don't know as I could tell you that.
- Q Do you know whether he lived in Mississippi in 1830 and was the head of a family at that time? A I couldn't tell you for certain that he was.
- Q Is there anything more you want to state? A No sir, I don't know as there is.
- Q That is what you wanted-----to establish the relationship? A Yes sir.

Witness excused.

-----

Applicant re-called.

- Q Do you understand or speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Blue eyes, light complexion, gray hair, formerly brown. She does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----;-----

(8).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 11, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

*Hal Belford*

Subscribed and sworn to before me this 12th day of December, 1901.

*Clara Mitchell Wood*  
Notary Public.

COPY

K.C.B. 4250.

Muskogee, Indian Territory, November 21, 1902.

Matilda N. Jefferson,

Beckham, Texas.

Dear Madam:

You are hereby advised that on the 11th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Richard L. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Acting Secretary.

COPY.

COMMISSIONERS.

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 4330

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Matilda F. Jefferson,

Waco, Texas.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Richard H. Vernon, et al., embracing the following applications for identification as Mississippi Choctaws:

Richard H. Vernon, et al.,	M. C. R.	157
Annie Payne, et al.,	M. C. R.	158
Charlie P. Vernon,	M. C. R.	164
Hettie E. Buchanan, et al.,	M. C. R.	375
James C. Kelley, et al.,	M. C. R.	377
James F. Vernon, et al.,	M. C. R.	378
Mary Stanfield, et al.,	M. C. R.	805
David G. Vernon, et al.,	M. C. R.	807
Christie Croan, et al.,	M. C. R.	808
Frank McDonough,	M. C. R.	809
Ida McDonough,	M. C. R.	810
Mary McDonough,	M. C. R.	811
John T. Vernon,	M. C. R.	812
George W. Vernon, et al.,	M. C. R.	813
William Stanfield,	M. C. R.	814
William L. Vernon, et al.,	M. C. R.	815
Sarah A. McDonough, et al.,	M. C. R.	876
John Frederick Halfacre, et al.,	M. C. R.	878
Mary M. Goodman, et al.,	M. C. R.	880
John B. Vernon, et al.,	M. C. R.	1003
Nancy A. McKinnon, et al.,	M. C. R.	1017
Lovilla A. Holland, et al.,	M. C. R.	1018
Oliver P. Vernon, et al.,	M. C. R.	1296
Elderae C. Vernon, et al.,	M. C. R.	1299
Charlie S. Vernon, et al.,	M. C. R.	1300
Francis M. Vernon, et al.,	M. C. R.	1362
Jefferson Vernon, et al.,	M. C. R.	1406
James M. Vernon, et al.,	M. C. R.	1480
Fannie F. Elliott,	M. C. R.	3571
Minous J. Elliott, et al.,	M. C. R.	3572
Knacy T. Elliott,	M. C. R.	3573
Charles M. Elliott, et al.,	M. C. R.	3574
James L. Elliott, et al.,	M. C. R.	3575



Walter J. Elliott,	M. C. R.	3576
Robert S. Elliott,	M. C. R.	3577
Martha A. Gibson, et al.,	M. C. R.	3578
Martha Jane Hughey, et al.,	M. C. R.	1301
Bertha M. Bryant, et al.,	M. C. R.	1444
Matilda E. Jefferson, et al.,	M. C. R.	4330
Maggie H. E. Holloway, et al.,	M. C. R.	5443

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Richard H. Vernon, Pearly May Vernon, Minnie Irene Vernon, Otha Ellen Vernon, Annie Payne, Virgil Payne, Walter Elbert Payne, Charlie P. Vernon, Hettie E. Buchanan, Charles H. Buchanan, Mary F. Buchanan, James Wm. Buchanan, Eddie E. Buchanan, Lucy A. Buchanan, Gracie E. Buchanan, James C. Kelley, Mary A. Kelley, Mattie L. Kelley, Andrew I. Kelley, Chaude G. Kelley, Howard A. Kelley, Johnnie B. Kelley, Steller V. Kelley, James F. Vernon, Myrtle A. Vernon, Benjamin B. Vernon, Willie B. Vernon, Maudie U. Vernon, Johnnie L. Vernon, Samuel A. Vernon, Mary Stanfield, James Stanfield, Luannie Stanfield, Alice Standfield, Frank Stanfield, David G. Vernon, Emma J. Vernon, John Yancy Vernon, Rob. C. Vernon, Samuel Henry Vernon, Lula May Vernon, Christie Croan, Edith Croan, Edward Croan, Stella Croan, Frank McDonough, Ida McDonough, Mary McDonough, John T. Vernon, George W. Vernon, Rhodie Parelee Vernon, Leurah Glades Vernon, William Stanfield, William L. Vernon, Mary E. Vernon, Nevada Edna Vernon, Willie B. V. Vernon, Lula B. Vernon, Roy G. Vernon, Sarah A. McDonough, Thomas Edwards McDonough, Perry Washington McDonough, John Frederick Halfacre, John Everett Halfacre, Charley Alonzo Halfacre, Solon Sylvester Halfacre, Frederick Audustus Halfacre, Thomas Edwin Halfacre, Rosa Lee Halfacre, Annie May Halfacre, Mary M. Goodman, Sudie Irene Goodman, Mary Cleveland Goodman, William Clyde Goodman, Noma Ethel Goodman, Gus Adolph Goodman, Maggie Jensey Goodman, John B. Vernon, Charlie H. Vernon, John J. Vernon, George Vernon, Bessie Vernon, Carl Vernon, Gladys Lillian Vernon, Nancy A. McKinnon, George P. McKinnon, David McKinnon, John C. McKinnon, James A. McKinnon, Newton G. McKinnon, Adelbert A. McKinnon, Lovilla A. Holland, Ernest Ray Holland, Elbert Clair Holland, Roy Cecil Holland, Oliver P. Vernon, Nancy Agnes Vernon, Exer C. Vernon, Odis C. Vernon, Elderage C. Vernon, William N. Vernon, Calla R. Vernon, Henry D. Vernon, Addie C. Vernon, Elderage C. Vernon, Charlie C. Vernon, Verdice E. Vernon, Charlie S. Vernon, Ernest Vernon, Amos Vernon, Florence Vernon, Francis M. Vernon, Ida B. Vernon, John M. Vernon, Nancy L. Vernon, Altie L. Vernon, Jefferson Vernon, Robert R. Vernon, Edna E. Vernon, Lydia E. Vernon, James M. Vernon, Eddie K. Vernon, James O. Vernon, Arthur B. Vernon, Maudie L. Vernon, Fannie F. Elliott, Minous J. Elliott, Callie Elliott, Knacy T. Elliott, Charles M. Elliott, Jessie C. Elliott, Thomas J. Elliott, Garnet A. Elliott, Charles M. Elliott, Jr., James L. Elliott, William H. Elliott, Walter J. Elliott, Robert S. Elliott, Martha A. Gibson, Paul E. Gibson, Nellie L. Gibson, Martha Jane Hughey,

James Nehemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucille Frances Holloway and Minnie Lee Holloway, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tamm D. Dyer*

Acting Chairman.

Registered.

M.C.R. 4330.

COPY

Muskogee, Indian Territory, November 15, 1906.

Matilda B. Jefferson,  
Hocona, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,

SIGNED *Cams Bixby*  
Commissioner.

## For Identification as a Mississippi Choctaw.

Date

DEC 11 1901

Name Matilda E. Jefferson.

Age 30

Blood 1/8

Post Office, Kocoma, Texas.

Father: Reheiah Vernon, l.

Mother: Nancy " d.

Claims through father

William E. Jefferson, d.  
(white)

Children:

William W. Jefferson, 10

Clarence V. " 8

Jennie V. " 4

Komer V. " 2

Claims for self and children

Stenographer Hae Belford

Choctaw MCR 4331

William C. Britton

See MCR 3386

MCR 4331

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, December 11, 1901.

#4331.

In the matter of the application of William C. Britton for the identification of himself and his two minor children, Mertie B. and Pearl M. Britton, as Mississippi Choctaws.

B. S. Johnson, Attorney for applicant.  
(No appearance).

William C. Britton, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A William Clifton Britton.  
Q What is the name? A William Clifton Britton.  
Q William C.? A Yes sir.  
Q I didn't get the last name? A Britton.  
Q Britton? A Britton.  
Q B-r-i-t-t-o-n? A Yes sir. My sister was here awhile back.  
Q What is your age, Mr. Britton? (No answer).  
Q Your age? A Thirty-one.  
Q Thirty-one. What is your post office address? A Mingo, Mississippi.  
Q What is that? A Mingo, Mississippi.  
Q M-i-n-g-o? A Yes sir.  
Q Where were you born? A Alabama.  
Q Where in Alabama? A Well sir, I don't hardly know.  
Q How long did you live in Alabama? A It was in Alabama though.  
Q How long did you live there? A Well, I have been there all my life till up to ten years ago I moved into Mississippi.  
Q For the last ten years you have lived in Mississippi? A Yes sir.  
Q What is your father's name? A Fred Britton.  
Q Is he living? A No sir, he's dead.  
Q What is your mother's name? A Tilda Britton.  
Q Matilda? A Yes sir.  
Q M-a-t-i-l-d-a? A Yes sir.  
Q Is she living? A Yes sir.  
Q Has she been before this Commission for identification as a Mississippi Choctaw? A No sir.  
Q Through which parent do you claim your Choctaw blood? A Gates.  
Q Through father or mother? A My father.

(2).

- Q Has he ever been before the Commission-----no, he's dead. How much Choctaw blood do you claim? A One-eighth.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities? Hasn't has he? A I don't know sir.
- Q He never lived in the Territory did he? A No sir. I don't want to tell any stories at all. I am sworn to tell the truth and I want to tell it as high as I can.
- Q When and where were your father and mother married? A I don't know.
- Q Do you remember the date of their marriage? A No sir, I don't.
- Q Do you think you could introduce the proof of their marriage if given time? A I don't know sir, I reckon I could.
- Q Reasonable time will be allowed for that purpose. Are you married? A Yes sir.
- Q What is your wife's name? A Well, I have been married twice.
- Q Have you any children by both marriages? A Yes sir, one by each one.
- Q And both children under age? A Yes sir.
- Q And unmarried? A Yes sir.
- Q What was your first wife's name? A Addie Russell.
- Q What's that? A Addie Russell.
- Q Allie? A Addie. Addie Russell.
- Q Addie. Addie Britten? A Addie Britton.
- Q Is she living or dead? A She's dead.
- Q Was she a white woman, or did she have Indian blood? A She was just a white woman. Didn't have any.
- Q When did she die? A I don't remember.
- Q Oh! about when? A It's been about three years-----three years ago.
- Q Do you remember the date? A No sir, I don't.
- Q Where did she die? A Died in Mississippi.
- Q Have you any children of whom she is the mother? A One.
- Q What is that child's name? A Mertie Blanch.
- Q What? A Mertie Blanch.
- Q Mertie? A Mertie.
- Q How do you spell that? A Well.
- Q M-e-r-t-i-e? A Yes sir, I reckon that's it. I ain't much of a speller, I can't tell you.
- Q Mertie Blanch? A Yes sir.
- Q Mertie B. How old is she? A Seven years old.
- Q Have you married again since the death of your wife Addie? A Yes sir.
- Q What is your second wife's name? A Mandy.
- Q Amanda is it? A Yes sir, Amanda.
- Q Amanda Britten. She is now living? A Yes sir.
- Q White woman? A Yes sir.
- Q Have you any children by this wife? A Yes sir.
- Q What is the name of that child? A Pearlle Madge.
- Q What? A Pearlle Madge.
- Q P-e-a-r-l-i-e. Pearlle May? A Pearlle Madge. Madge.
- Q Pearlle M. How old is this child? A One year old.
- Q Mother Amanda? (No answer).
- Q Amanda the mother of this child? A Yes sir.
- Q Do you claim for yourself and these two children? A Yes sir. You asked me who I claimed my Indian blood under. It's Philip Gates.
- Q Yes, I will get to that. When and where were you married to your

(3).

- first wife Addie? A Mississippi.
- Q Yes; what place in Mississippi? A Close to Hinge, Mississippi.
- Q Do you remember the date? A January 22nd.
- Q What year? A In '93, I think it was.
- Q Were you married by a minister under a license? A Yes sir.
- Q Or a justice? A Married by a preacher.
- Q Have you your marriage license and certificate with you and would you like to introduce it? A No sir, I haven't got them with me. I have got them though. I can send them in.
- Q You think you could produce that proof later? (No answer).
- Q You think you could produce that proof later? A What proof?
- Q Proof of your marriage with your first wife? A Yes sir, and last one too.
- Q When and where were you married to your second wife, Amanda Britton? A July-----the last of July in the year-----.
- Q What? A I don't remember now what year it was.
- Q Were you married by a minister under a license? (No answer).
- Q By a preacher? A No sir.
- Q Justice of the Peace? A Yes sir.
- Q Have you the proof of that marriage with you? A No sir, I haven't got it with me. I have got it at home.

Reasonable time will be allowed this applicant in which to prove his marriage with his first wife Addie, and also his marriage with his second wife, Amanda, in support of this application which he makes for his two children, the first by his first wife, and the other by the second.

- Q Is your name or the name of your oldest child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I didn't understand you.
- Q Is your name or the name of your oldest child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Well, I don't know sir.
- Q Well, you never lived in the Indian Territory did you? A No sir.
- Q Never had anything to do with the Indians in the Indian Territory did you? A No sir.
- Q Your name can't be upon the rolls then can it without your knowing it? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and your oldest child to the Choctaw tribal authorities? A No sir, I don't reckon I have.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and your oldest child, to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir. I don't know hardly just how to answer.
- Q You never made application did you? A No sir.
- Q This is the first application you ever made isn't it for citizenship or enrollment in the Choctaw Nation. Yes sir. I didn't understand you, that's the reason.
- Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before this Commission for the purpose of identifying yourself and your children as Mississippi Choctaws----A Yes



(4).

sir-----claiming under Article XIV of the Treaty of 1830? A Yes sir.

Q Do you understand that Article of that treaty? A No sir.

Q The Treaty of 1830 was made between the United States Government and the Choctaw Indians, at a place called Dancing Rabbit Creek, in Mississippi, on the 27th day of September, 1830. On the 24th day of the following February, 1831, it was ratified. The object of that Treaty was to get all of the Choctaw Indians who lived in Mississippi and Alabama, for the old Choctaw Nation was in both, -----portions of both states, to leave that old Choctaw Nation and go to the Choctaw Nation, Indian Territory. Before the Treaty was signed, it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect their interests Article XIV was put into the Treaty of 1830. It was afterwards signed and ratified. That Treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article? A I don't know.

Q What is the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Is the name?

Q Yes, Gates; you gave the name Gates a little while ago? A Yes sir.

Q What name is it? A Phil Gates.

Q What? A Phil Gates. Philip Gates, I believe is the way it's give in.

Q Philip Gates; that's your Choctaw ancestor is it? A Yes sir.

Q What relation was he to you? A Philip Gates?

Q What relation? What kin? A I don't know sir.

Q Well, don't you know whether he was related to you? A Oh! yes sir! He was my cousin.

Q Oh! well then; I want to know the name of your father, grandfather, great-grandfather, or the family branch. Can you give it any of them? A William Britton.

(5).

- Q Well, who is William Britton? A Was my grandfather.
- Q William Britton is your grandfather? A Yes sir.
- Q Did he live in Mississippi in 1830? A I don't know sir.
- Q Did he ever live in Mississippi? A I don't know sir whether he ever did or not.
- Q Did he have any Choctaw blood? A Yes sir.
- Q What? A Yes sir.
- Q How much? A I don't remember.
- Q Well, how much Choctaw blood do you claim? A Claim one-eighth.
- Q How do you know you do? Where do you get it? A Well, it comes from grandpa Britton. I can't hardly explain it. May be I can explain it up though.
- Q Well, how do you know you claim one eighth if you don't know how much your grandfather Britton had? A Grandfather Britton was one half Choctaw.
- Q Is that William Britton? A Yes sir.
- Q Well, a little while ago you said you didn't know; do you recollect now? A Yes sir.
- Q How do you know he was one-half? A That's what they always told me.
- Q Who told you? A My parents.
- Q Your father and mother? A Yes sir. Of course I am young. I can't recollect away back nothing only just what's been told to me.
- Q How long has your father, Fred Britton been dead? A He's been dead about twenty years.
- Q How old was he when he died? A I don't know sir.
- Q How old would he be if living now do you know? A No sir, I don't.
- Q Did he live in Mississippi? A No sir, he lived in Alabama.
- Q Do you know whether your father or his father, William Britton, or any of your Choctaw ancestors ever lived in Mississippi? A Yes sir.
- Q Who of your ancestors did? A Well, Philip Gates lived in Mississippi.
- Q I know; I am not asking about him. That's your cousin isn't it? A Yes sir.
- Q Well, you can't claim through your cousin. You have got to claim through your direct ancestors. Who of your direct ancestors ever lived in Mississippi or Alabama? A Grandpa Britton lived in Alabama.
- Q You mean William Britton? A William Britton.
- Q Did he live in Alabama? A Yes sir.
- Q Do you know where in Alabama he lived? A No sir, I don't.
- Q Do you know what County? A In Alabama? No sir, I don't.
- Q What? A No sir.
- Q How old would William Britton be if he were living now? A I don't know sir.
- Q Was your grandfather, William Britton, or his father, or his son, your father Fred-----A Yes sir-----any of them living in Mississippi or Alabama in 1830, and did any of them have families there at that time, if you know? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.

(6).

- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838? A (No answer).
- Q Do you know? A I don't know sir.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under Article XIV of the Treaty of 1830? A Yes sir, I think they did.
- Q Claim any land there? A No sir, I don't recollect that he ever. I call that back. I don't know. That's just-----that's plain.
- Q Did any of your Choctaw ancestors claim any land or any benefits under any other article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty? A Not as I know of.
- Q Did any of your Choctaw ancestors claim under any other Treaty between the Choctaw Indians and the United States Government other than the Treaty of 1830? A Not as I know of.
- Q The Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the Treaty of 1830 was ratified, were required, if they desired to take advantage of the provisions of Article XIV of that Treaty, to go to the United States Indian Agent whose name was Colonel Ward, within six months from the ratification of the Treaty and register their names with him as persons desiring to take advantage of the provisions of Article XIV of the Treaty of 1830. A good many Indians went to Colonel Ward within the time limited and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States, but their names were not placed upon any list made by Colonel Ward, and his neglect to place them upon what was afterwards known as Ward's Register, caused a good many Indians who held land in Mississippi to have both their land and improvements on that land taken from them by the Government and sold at its public land sales. This caused to many complaints that Congress appointed a Commission in 1837 to go to Mississippi and hear claimants under Article XIV of the Treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under that Article of that Treaty. Did any of your Choctaw ancestors go before either the Commission of 1837 or the Commission of 1842 and claim benefits rights or privileges under Article XIV of the Treaty of Dancing Rabbit Creek? A I don't know sir.
- Q The act of Congress approved August 23, 1842, provided that if any Choctaw citizen-----Indian, not citizen-----proved his claim under Article XIV of the Treaty of 1830, if it also was shown that he had had his land taken from him by the Government and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Do you know if any of your Choctaw ancestors received any such scrip from the Government as Choctaw Indians? A No sir.
- Q Have you any documentary evidence or any other evidence that you want to present now in support of this claim? A Well, yo u was asking me about that other-----
- Q No, answer this question. Have you any evidence, documentary or any other, that you want to present now? Any papers that you want to present? A Yes sir.
- Q That's what I am getting at.

(7).

The sworn statement of this applicant, William C. Britton presented by him, received, marked exhibit "A", filed and made a part of the record in this case.

The affidavit of Lucinda Americus Stanford, presented by applicant, received, filed, marked exhibit "B", and made a part of the record in this case.

The affidavit of John H. Britton, presented by applicant, received, filed, marked Exhibit "C" and made a part of the record in this case.

The affidavit of Sarah A. Benson presented by applicant, received, filed, marked exhibit "D" and made a part of the record in this case.

- Q Now what relation was Philip Gates to you? A Cousin.
- Q Well, I can't quite see how you make out that Philip Gates is a cousin? A Well, I don't know myself just exactly. I just can't get it up just exactly right.
- Q Unless there are other Philip Gates. A There may be others.
- Q There's the one through whom this person, Lucinda Americus Stanford claims. What relation is Lucinda Americus Stanford to you? A Cousin
- Q Cousin? A Yes sir. Cousin Lucinda Stanford.
- Q But she claims to be descended from one Philip Gates, a Mississippi Choctaw Indian. Do you claim to be-----A That's just exactly what I-----do you claim to be descended from the same Philip Gates? A Yes sir, that's what I was trying to get at, but I couldn't get at it.
- Q Well now then tell me what relation he was to you? A Well I don't remember. Now that's just straight.
- Q You say Lucinda Americus Stanford is your cousin? A Yes sir.
- Q Was her father or her mother related to your father or your mother, which? A I don't know.
- Q You can't get at the relationship? A No sir.
- Q Can you say in what manner Lucinda Americus Stanford is a cousin. I wish you would try to give me some information. I am trying to help you, but I can't work this case out of you if you can't give me any knowledge. A I know you are.
- Q Well, you can't tell about that can you? A I don't know sir whether I can or not. I could get help I reckon.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, medium fair complexion, brown hair. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

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(8).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 24 day of January, 1902.

*Charles M. Wood*  
Notary Public.

Muskogee, Indian Territory, February 18, 1902.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter without date inclosing marriage certificates between W. C. Britton and Ananda Breakfield and W. C. Britton and Adline Russel, and affidavit of Lucinda Americus Stanford which are offered in support of the application of William C. Britton, et al. for identification as Mississippi Choctaws.

The same have been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

COMMISSIONERS.

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4331

Muskogee, Indian Territory, October 15, 1902.

William Clifton Britton,  
Mingo, Mississippi.

Dear Sir:-

You are hereby advised that on the 15th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Gates, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emily Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians, claiming rights in the Choctaw lands, under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunice Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Annie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallange Britton, Rihy O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Volver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, All Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,



William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Gay Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

*T. B. Neelicks.*  
Commissioner in Charge.

Muskogee, Indian Territory, December 22, 1902.

William C. Britton,  
Mingo, Mississippi.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Ghosts of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

*Tamm Lacey*  
Acting Chairman.

MCR-4331

Muskogee, Indian Territory, October 19, 1906.

William C. Britton,  
Mingo, Mississippi.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the nonsolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

## For Identification as a Mississippi Choctaw.

Date DEC 11 1941

Name William C. Britton

Age 31 Blood 1/8

Post Office, Mingo, Miss.

Father: Fred Britton, d

Mother: Matilda " , l.

Claims through father  
Wife, (1)

Addie Britton, (d) w.

Wife (2)

Amanda Britton (l) w.

Children:

Mertie B. Britton, 7  
(mother, Addie Britton.)Pearlie M. Britton, 1  
(mother, Amanda Britton)Claims for self and  
children

Stenographer Hal Belford

Choctaw MCR 4332

Mary I. Sawyer

See MCR 762

MCR 4332

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, December 11, 1901.

#4332.

In the matter of the application of Mary I. Sawyer for the identification of herself and her minor child, Helen L. Sawyer, as Mississippi Choctaws.

Applicant represented by Degraffenried & Scruggs Attorneys.

Mary I. Sawyer, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your full name? A My full name is Mary Isabelle Sawyer.  
Q Is that I.? A I, yes sir.  
Q Mary I. Sawyer. What is your age? A I will be thirty-five in January.  
Q What is your post office address? A Mexia, Texas.  
Q Where did you say? A Mexia.  
Q What? A Mexia.  
Q M-e-x-i-a? A Yes sir, Texas.  
Q Texas. How long have you lived there? A I have lived there five years the last time. I have lived there seven years in all----- about seven years.  
Q Where were you born? A I was born in Leon County.  
Q In Texas? A Yes sir.  
Q Did you ever live in any other state than Texas? A Never did, no sir.  
Q What is your father's name? A George W.-----George Washington.  
Q George W. What? A Tubb, T-u-bb.  
Q Is he living? A No sir, he's dead.  
Q Is your mother living? A No sir.  
Q What was her name? A Her name was Martha. Martha A.  
Q Martha A.? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-eighth they told me but I don't know.  
Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Not that I know of.  
Q When and where were your father and mother married? A I suppose

(2).

they were married in Mississippi. They came from Mississippi to Texas, but you know that was before I was born. I was married in Texas-----I mean I was born in Texas.

Q Could you furnish the-----A And my father was from Alabama originally, but whether they were married in Alabama-----I suppose they were married in Mississippi; my mother was from Mississippi.

Q Could you furnish the proof of their marriage if you were given time do you think? A I think so.

Q Reasonable time will be allowed for that purpose. What is your husband's name? A J. D. Sawyer.

Q J. D. Is he a white man or an Indian? A He's a white man. One Indian in the family is enough.

Q Do you make any claim for your husband? A No sir.

Q What are the names of your children? A I hev'n't but one.

Q What is the name of that child? A Helen Lee Sawyer.

Q H-e-l-e-n? A Yes sir.

Q Helen L. How old is she? A She's thirteen.

Q Is J. D. Sawyer the father of Helen? A Yes sir.

Q Was he ever married before his marriage to you? A Yes sir.

Q Are there any children by that other marriage for whom you desire to make application? A No sir.

Q You make application for yourself and this child, do you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation for yourself and your child, to the Choctaw tribal authorities in the Territory? A No sir.

Q Have you ever made application to be enrolled as a member of the Choctaw tribe of Indians for yourself and child, to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir, never did.

Q Is this the first application that you have ever made for yourself and your child for enrollment as Choctaw Indians, either to the Choctaw tribal authorities or the United States authorities?  
A Yes sir.

Q You never have been admitted to citizenship with your child, either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory?  
A No sir.

Q Do you now come before the Commission for the purpose of identifying yourself and this child as Mississippi Choctaws claiming under Article XIV of the Treaty of 1830? A Yes sir.

Q Do you understand that Article of that Treaty? A No sir.

Q The Treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek, in Mississippi, on the 27th day of September, 1830. It was afterwards ratified on the 24th day of February, 1831. The object of that Treaty was to get all of the Choctaw Indians who lived in that old Choctaw Nation in Mississippi and Alabama, to leave that section of the country and go to the Choctaw Nation, Indian Territory. Before the Treaty was signed, however, it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect their interests Article XIV was put into the Treaty. That XIV Article is as follows:

"Each Choctaw head of a family  
being desirous to remain and become a citizen of

(3).

the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the XIV article of the Treaty of 1830, which was put into that Treaty for the benefit of these Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama, refusing to go to the Territory under this Treaty with the other Indians, and was put in there for their especial benefit. Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir, I don't.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Well sir, I don't know.

Q Your grandfather, great-grandfather, or grandmother? A No sir, I don't know. We haven't traced it. My brother has our old family Bible. He's here but he didn't bring the Bible. I don't know why we didn't think of it.

Q You claim through which ancestor, your grandfather? A Yes sir.

Q And his name is what? A Well, that's what we don't know.

Q Tubb? A Yes sir, his surname was Tubb, but I don't know his given name.

Q T-u-? A -bb, Tubb.

Q That is your grandfather but you don't know his given name? A No sir, I don't know his given name.

Q Your father's father? A Yes sir.

Q Did your grandfather live in Mississippi? A Yes, he lived in Mississippi or Alabama one, I don't know which.

Q You don't know which state? A I think though, it was in Alabama. I know my mother was from Mississippi.

Q Your mother wasn't a Choctaw Indian was she? A No sir, not that I know of.

Q How much Choctaw Indian blood did your grandfather have, this one, this Tubb? Do you know how much? A No sir, I don't know.

Q How do you get one-eighth Choctaw blood? A Well, I don't know that either. That's what they told me.

Q Didn't anybody in the family ever tell you how much your grandfather had? A No sir.

Q Did he live in Mississippi or Alabama in 1830, and did he have a



(4).

- family there at that time? A In 1830?
- Q What? A I was studying. In 1830-----.
- Q Seventy-one years ago? A My father lived in Mississippi Seventy-one years ago, or Alabama-----yes, Mississippi.
- Q How old is your father-----how old would he be if he was living now? A Why, he would be eighty-three.
- Q Eighty-three-----and he was born in Mississippi? A Mississippi or Alabama, I don't know which. I just heard them speak of it when I was a child.
- Q How old would your grandfather be if he were living now? A No sir, I don't know.
- Q Did he understand the Choctaw language? A I don't know that either.
- Q Did he have a Choctaw Indian name, do you know? A No sir, I don't know that either. I don't know his name.
- Q Do you know whether he claims through his father or mother? A No sir, I don't know that. I suppose that will have to be traced in Mississippi and I have never been there.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know that either.
- Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them own or claim any land in Mississippi or Alabama under Article XIV of the Treaty of 1830? A I couldn't tell you. They owned land, but I don't know what through.
- Q You don't know whether they got it from the Government? A No sir I don't know how they got it.
- Q Did they own any land or receive any benefits under any other article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty? A I don't know. I can't answer any of those questions.
- Q Do you know if any of your Choctaw ancestors claimed any benefits under any Treaty made between the United States Government and the Choctaw Indians, other than the Treaty of 1830? A No sir, I don't know.
- Q The Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama, after the Treaty of 1830 was ratified, were compelled, if they desired to take advantage of the provisions of Article XIV of that Treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of that Treaty, and tell him they wanted to stay in Mississippi, take land there, and become citizens of the United States. In other words, they had to register with him under that Article, in order to be entitled to hold land in Mississippi and afterwards get rights in the Choctaw Nation, Indian Territory. A good many Indians did this whose names the Indian Agent failed to place upon his list known as Ward's Register. His neglect to do so caused a good many Indians who had land in Mississippi and Alabama to have that land taken from them by the Government and sold at its public land sales. This caused so many complaints among the Indians that in 1837, by an act approved March 3rd of that year, a Commission was appointed by Congress and this Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. In

(5).

1842 Congress appointed another Commission for the same purpose, by an act approved August 23 of that year, and this Commission went to Mississippi and heard claimants under Article XIV of that Treaty. Did any of your ancestors to your knowledge go before either the Commission of 1837 or the Commission of 1842 and claim any benefits under Article XIV of that Treaty? A No sir, not to my knowledge.

- Q The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under Article XIV of that Treaty, and if it was further shown that he had had his land taken from him in Mississippi by the Government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government? A I don't know.
- Q Have any of your relatives appeared before this Commission before this time for the purpose of being identified as Mississippi Choctaws? A Some, yes sir; some of my relatives have.
- Q What are their names? Can you give them? Can you call the names of any of them? A Well, Milton Ikard is one.
- Q Milton what? A Ikard.
- Q Any others? A W. M. Ikard. Those are the only two I remember. I havn't seen them since I was small.
- Q You don't remember any others? A No sir.
- Q Do they claim through the same common ancestor through whom you claim, this grandfather? A Yes sir, their mother and my father was brother and sister.
- Q Do you want to have their testimony and the records made in their cases considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.
- Q Have you any testimony you want to introduce now, or any witnesses you want to call? A No sir, I don't think I have. I don't think there anybody here that knows any more than I do.
- Q Would you like reasonable time in which to furnish evidence in support of this application? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish other testimony. Also reasonable time for the taking of depositions if this claimant desires to furnish that sort of evidence.

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion, blue eyes, and brown hair. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----:-----

(8).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 24 day of January, 1902.

*Hal Belford*  
*Clara M. [illegible]*

Notary Public.

Miss. Choctaw 4332

Muskogee, Indian Territory, November 13, 1902.

Mrs. J. D. Sawyer,  
Mexia, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 10, inclosing certified copy of the marriage license and certificate between J. D. Sawyer and Mollie Tubb, which you ask to have filed in support of your application for the identification of yourself and your minor child as Mississippi Choctaws, and the same has been made a part of the record in your case.

Respectfully,

Acting Chairman.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

**M. C. R. 4332**

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Mary I. Sawyer,**

**Mexia, Texas,**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 766
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Artie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."



You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

---

Registered.

Chairman.

Muskogee, Indian Territory, May 1, 1905.

Mary I. Sawyer,

Mexia, Texas.

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**MAY 27 1903**

A large, dark, handwritten scribble or signature, possibly of the Chairman, written over the word "FILED" and the date.

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

**REGISTERED**  
APR 25 1903  
MUSKOGEE, IND. TER.



Mary Sawyer,  
Mexia, Texas

1940  
194

RETURN TO WRITER

For Identification as a Mississippi Choctaw.

Date

DEC. 11 1901

Name Mary L. Sawyer

Age 35 — Blood 1/8

Post Office, Mexia, Texas.

Father: George W. Tubb. d

Mother: Martha A. " d

Claims through father —  
 husband J. D. Sawyer. w. l  
 No claim for husband

Children:

Helen L. Sawyer, 13

Claims for self  
 and child —

Choctaw MCR 4333

Mattie A. J. Johnson

See MCR 762

MCR 4333

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 11, 1901.

#4333.

In the matter of the application of Mattie A. T. Johnson, for identification as a Mississippi Choctaw.

Applicant represented by Degraffenried & Scruggs, Attorneys.

Mattie A. T. Johnson, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Mattie A. Tubb Johnson.  
Q Mattie A.? A Yes sir.  
Q T.? A Yes sir, Johnson.  
Q What is your age? A Twenty-four next February.  
Q What is your post office address? A Velasco, Texas.  
Q What? A Velasco, Texas.  
Q How do you spell that? A V-e-l-a-s-c-o .  
Q How long have you lived there? A Since last January.  
Q Where were you born? A I was born in Leon County, Texas.  
Q Have you always lived in Texas? A Yes sir.  
Q Where have you lived in Texas most of the time? A Leon County, mostly.  
Q What is your father's name? A Caleb George Tubb.  
Q What? A Caleb George Tubb.  
Q You will have to give me that first name? A C-a-l-e-b , Caleb.  
Q G.? A Yes sir, Tubb.  
Q Is he living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Montgomery.  
Q That was her given name? A Eliza.  
Q Eliza Tubb, wasn't it? A Yes sir. I thought you meant before she was married.  
Q You claim through which parent? A My father.  
Q How much Choctaw blood do you claim? A I don't know. I have been told an eighth. I don't know myself. I am a sixteenth though, that's right.  
Q You claim a sixteenth do you? A Yes sir, if the others are an eighth. I don't really know.  
Q Has your father ever been recognized in any way or enrolled as a

(2).

member of the Choctaw Tribe of Indians, by the Choctaw tribal authorities or by the United States authorities? A Not that I know of, no sir.

Q When and where were your father and mother married? A They were married in Leon County, I suppose.

Q In Texas? A Yes sir, in Texas.

Q Do you remember the day of the month and the year? A No sir, I do not.

Q Do you think you could prove their marriage later if given time? A Yes sir.

Q Reasonable time will be allowed for that purpose. Are you married? A Yes sir.

Q What is your husband's name? A Joseph E. Johnson.

Q Is he a white man or an Indian? A He's white.

Q No Choctaw blood in him? A No sir, not that I know of.

Q You don't make any claim for him then do you? A No sir.

Q You are making application for yourself alone are you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities, or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever before this time attempted to become enrolled as a citizen of the Choctaw Nation by making application either to the Choctaw tribal authorities or to the United States authorities in the Indian Territory? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw, claiming under Article XIV of the Treaty of 1830? A Yes sir.

Q Do you understand the provisions of Article XIV of that Treaty? A No sir, I do not.

Q The Treaty of 1830, sometimes called the Treaty of Dancing Rabbit Creek, because it was made at a place by that name in Mississippi, was a treaty that was made between the United States Government and the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama at that time, for the purpose of the removal of the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the Treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who remained back in the old Choctaw Nation, Article XIV was put into the Treaty. An article in a treaty is a subdivision, a part of it. A Yes sir.

Q That article of it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or



she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article as read and explained to you? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that Article? A I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I don't know. You mean my father?
- Q Well, the ancestor through whom you claim if it's your father, grandfather, great-grandfather? A Well, if comes through my father, his father.
- Q Yes, comes through him; now go back as far as you can and tell me the name of your grandfather or great-grandfather. A My grandfather was George W. Tubb.
- Q What? A George W. Tubb.
- Q George D.? A George W.-----Washington.
- Q Yes, George W. Tubb. Well, what is the ancestor now, grandfather, or great-grandfather? A My grandfather, I suppose.
- Q What was his name? A That was it I just give.
- Q Oh! that's your grandfather! Can't you go back further than him? A No sir, I don't know what my great-grandfather's name was. He was named Tubb.
- Q What relation is Mary I. Sawyer to you? A She's my aunt.
- Q She claims through her grandfather Tubb? A Yes sir.
- Q Doesn't give the given name? A Yes sir.
- Q Well now, what relation was that Tubb to you? A He was my great-grandfather.
- Q Do you claim through the same ancestor through whom she claims? A Yes sir.
- Q Great-grandfather. You don't know the given name? A No sir.
- Q Did he live in Mississippi or Alabama in 1830? A I don't know which. He lived in both I think though.
- Q Do you know when he lived in Alabama? A No sir, I don't know.
- Q Do you know when he lived in Mississippi? A I do not.
- Q How much Choctaw blood did he have, if you know? A I don't know.
- Q Did he have a Choctaw Indian name or speak the Choctaw language? A I don't know.
- Q You don't know anything about this ancestor do you? A No sir, I don't.

(4).

- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama, in 1830? A Why, I couldn't answer. I suppose they have owned land, but I don't know anything about the improvements.
- Q You don't know anything about the improvements? A No sir.
- Q Did any of your Choctaw ancestors within six months from the ratification of the Treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any under Article XIV of the Treaty of 1830, in Mississippi or Alabama? A I couldn't answer. I don't know.
- Q Did any of your Choctaw ancestors claim or own any land or any benefits under any other Article of the Treaty of 1830 than Article XIV, or under the Supplement of that Treaty? A I couldn't tell you.
- Q Did any of your Choctaw ancestors, if Choctaw Indians, claim any benefits of any kind, under any treaty made between the United States Government and the Choctaw Indians? A I don't know.
- Q The Indians who remained back in the old Choctaw Nation in Mississippi and Alabama, after the Treaty of 1830 was ratified---A--I don't know whether they did or not-----were required under the provisions of Article XIV of the Treaty of 1830, if they wanted to take advantage of those provisions, to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the United States. A good many Indians did this-----A I am not able to answer, I don't know-----Well, I am just explaining this to you. A good many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and this failure on his part to do so, caused a good many Indians who had land in Mississippi to lose both their land and improvements. So many complaints were made that Congress, in 1837, appointed a Commission and this Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission also went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. Did any of your ancestors go before either of those two Commissions and claim any benefits under Article XIV of that Treaty? A I don't know whether they did or not.
- Q The act of Congress approved August 23, 1842, provided that if any Choctaw Indian claimed and proved his right to benefits under Article XIV of the Treaty of 1830, if it also appeared that he had had his land taken from him by the Government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government of the United States? A I don't know.
- Q What relatives of yours have been before this Commission claiming the right to be identified as Mississippi Choctaws? A My aunt, Mrs. Sawyer there.
- Q Mary I. Sawyer? A Mary I.

(5).

- Q Any others? A And the Ikard Boys.
- Q What are their names? A Well, I don't know all of them. One's names Milton.
- Q Milton, I-k-a-r-d . A Yes sir, and one's named W. M., and one Fayette, I believe, I don't know though.
- Q Fayette, you say? A Yes sir.
- Q Fayette Ikard? A Yes sir. There's another one. There's four of the boys but I don't remember the other one's name.
- Q Did they claim through the same common ancestor through whom you claim? A Yes sir.
- Q Would you like to have their testimony considered with yours that you may get the benefit of what they have sworn to? A Yes sir, I suppose so.
- Q Have you any documentary evidence, or any other evidence that you want to present now in support of this claim? A No sir.
- Q Reasonable time will be allowed in which to present testimony proper to be received in your application. Do you understand or speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, medium fair complexion, blue eyes, and brown hair. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on December 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 24 day of January, 1902.

*Hal Belford*  
*Charles M. Talbot*

Notary Public.

## COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4333

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Mattie A. T. Johnson,**  
**Velasco, Texas.**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
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Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burseson, R. D. Burseson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleh G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

—5—

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James H. McMillan*

Registered.

Chairman.



Muskogee, Indian Territory, May 1, 1905.

Mattie A. Tubb Johnson,  
Velasco, Texas.

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

DEC 11 1901

Name Mattie A. T. Johnson

Age 24

Blood ~~and~~ ~~and~~ 1/16

Post Office, Velasco, Texas.

Father, Caleb G. Tibb. l

Mother: Eliza " d

Claims through father  
husband Joseph E. Johnson, w.  
No claim for husband

Children:

Claims for self  
alone

Stenographer Hae Celford.

Choctaw MCR 4334

Lula P. Hearte

See MCR 762

MCR 4334

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 11, 1901.

#4334.

In the matter of the application of Lula P. Hearte for the identification of herself and her four minor children, Hattie C., Mamie E., Oliver K., and Ludora Hearte, as Mississippi Choctaws.

Applicant represented by Degraffenried & Scruggs, Attorneys.

Lula P. Hearte, being first duly sworn, upon her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Lula Hearte.  
Q What? A Lula Petty Hearte. My father's name was Petty.  
Q Lula P., is it? A Yes sir.  
Q What is your other name? A Hearte, H-e-a-r-t-e .  
Q H-e-a-r-t-e ? A Yes sir.  
Q What is your age? A Forty-six years old.  
Q What is your post office address? A Weatherford, Texas.  
Q Weatherford? A Yes sir, Weatherford.  
Q W-e-a-t-h-e-r-? A yes sir.  
Q Weatherford, Texas-----how long have you lived there? A Twenty-four years.  
Q Where did you live before you lived there? A Lived in Leon County, Texas.  
Q Born in that County? A No sir, born in Mississippi.  
Q Where in Mississippi were you born? A Noxubbe County, town by the name of Summerville.  
Q How do you spell that? A N-o-x-u-b-b-e .  
Q How long did you live in Mississippi? A I wouldn't say positively, but between three and four years old.  
Q Then you went to Texas? A Yes sir, then we come to Texas.  
Q And have lived there since? A Yes sir.  
Q What is your father's name? A That's James F. Petty.  
Q -ty ? A Yes sir.  
Q Is he living? A No sir.  
Q Is your mother living? A No sir.  
Q What is her name? A Sarah Ann Petty. Pace was her first name.  
Q What? A Pace was her maiden name.  
Q Sarah Ann Petty? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A Well, I suppose it's a

(2).

sixteenth. I am not sure but it's the same as this young lady. I suppose that's about it.

Q You are not positive about it? A Well, I know that I claim just the same as she does, and I have been informed that that would be a sixteenth.

Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir, not that I know of. I don't think they have, or ever had anything to do with it. I know they have never that I heard of.

Q When and where were your father and mother married? A In Mississippi.

Q Do you remember the day of the month and year? A I remember the day of the month but not the year.

Q When was it? A They was married on the 12th of May.

Q You don't remember the year? A No sir.

Q Do you think you could produce the proof of their marriage if given time? A Yes sir, I can.

Q Reasonable time will be allowed for that purpose. A Yes sir, in a very few days.

Q Are you married? A Yes sir.

Q What is your husband's name? A J. K. Hearte.

Q J. H.? A H-e-a-r-t-e.

Q Did you say J. K. R.? A Yes sir, J. K. Hearte, J. K.

Initial J., initial K. Is that right? A Yes sir.

Q Is he a white man? A Yes sir.

Q I mean by that he is not an Indian? A Yes sir.

Q Is he living? A Yes sir.

Q Do you make any claim for him? A No sir.

Q Will you give me the names of your children for whom you wish to make application? A Yes sir, Hattie C. Hearte.

Q H-e-a-r-t-e? A Yes sir.

Q How old is she? A She's nineteen years old.

Q Not married? A No sir.

Q What is the name of the next one? A Mamie E. Hearte.

Q Mamie? A Mamie E. Hearte.

Q How old? A Fourteen.

Q The next? A Oliver Kenton Hearte-----Oliver K.

Q How old? A Ten.

Q Next? A Ludora.

Q L-u-d-o-r-a? A Yes sir, one name.

Q How old? A Nine.

Q Next? A That's all. All that I claim for.

Q Is J. K. Hearte the father of these children? A Yes sir.

Q You the mother? A Yes sir.

Q They live with you at your home? A Yes sir.

Q Was he ever married before he married you? A No sir.

Q Were you ever married before you married him? A No sir.

Q You make this claim for yourself and children do you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation, or the names of your children on any of those rolls in the Choctaw Nation? A No sir.

Q Have you ever made application for yourself or children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896? A No

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sir, not till now.

- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir, but wish to be.
- Q Is this the first application of any kind that you have made for yourself and children? A Yes sir.
- Q Either to the Choctaw tribal authorities or the United States authorities? A Yes sir, the first.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi and for the identification of your children as Mississippi Choctaws, claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that Treaty? A No sir, I don't thoroughly understand it. I have heard you read it.
- Q The Treaty of 1830 was made between the United States Government and the Choctaw Indians on the 27th day of September, 1830, and was made for the purpose of removing all of the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama from that nation to the Choctaw Nation, Indian Territory. Before the Treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, in the Indian Territory, and in order to protect their interests, Article XIV was put into the Treaty. Article XIV reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article of that Treaty? A yes sir.
- Q What is the name of your ancestor-----do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir, I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mary Petty---Tubb Petty.
- Q Well, Mary Petty, who was she? A My grandmother.

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- Q You claim through her do you? A Yes sir. My father of course, you know, and then my grandmother.
- Q Well, going back as far as you can do you claim through the same ancestor-----A Yes sir-----that Mattie A. T. Johnson claims through? A Yes sir.
- Q And Mary I. Sawyer? A Yes sir.
- Q That would be Tubb wouldn't it? A Yes sir, Tubb.
- Q What relation was he to you? A My grandmother was a Tubb.
- Q That is your great-grandfather, isn't it? A And my great-grandfather was a Tubb.
- Q Well, this is the one isn't it? A Yes sir.
- Q This is your great-grandfather? A Yes sir.
- Q The same grandfather, or great-grandfather through whom Mattie A. T. Johnson claims? A Exactly! the same one exactly!
- Q You say you claim the same quantity of blood that she claims? A Yes sir.
- Q Do you know his given name? A My great-grandfather?
- Q Yes, this one I am speaking of now? A I have been informed that it was Elisha. I have no positive proof of it. I can get it and I think it is Elisha.
- Q Do you want it written as Elisha now? A I am afraid to.
- Q You prefer to wait and substantiate it? A Yes sir, I can substantiate it mighty quick.
- Q Do you know how much Choctaw blood he had? A No sir, I do not.
- Q Do you know whether he lived in Mississippi or Alabama in 1830? A No sir, I am not positive, but I think-----I won't say what I think. No sir, I don't know.
- Q Family history and tradition? A Well, I havn't got positive proof at the present which place. He was from Alabama or Mississippi-----from one of the two states.
- Q Did he have a Choctaw Indian name or speak the Choctaw Indian language? A, I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I know my ancestors were landed men, but I don't know how they come by it.
- Q Don't know whether they bought it or whether they got it from the Government? A No sir. I know they were landed men, but I don't know how they got it.
- Q Was that land in Mississippi or Alabama? A I can't say for certain. I think though, it was Mississippi. That's my understanding.
- Q Well then, do you think they lived in Mississippi? A That's my understanding. Yes sir, I think so.
- Q You are not positive about it? A No sir, I am not exactly positive. However, I can ascertain it. I couldn't swear to which place they lived.
- Q Did any of your Choctaw ancestors within six months from the ratification of the Treaty of 1830, go to the United States Indian Agent and tell him they wanted to take land in Mississippi and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under Article XIV of the Treaty of 1830? A I don't know sir. I know they had land as I tell you, but I don't know where it came from.
- Q You don't know whether they got it under that Treaty or not? A No sir.

(5).

- Q Or any other article of the Treaty of 1830 than Article XIV, or under the supplement of that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors claim any rights, benefits or privileges under any Treaty made between the Choctaw Indians and the United States Government other than the Treaty of 1830? A I don't know.
- Q The Indians who stayed in Mississippi and Alabama after the Treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of Article XIV of that Treaty, to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the United States, and this they had to do within six months from the ratification of the Treaty. A good many Indians did this whose names Colonel Ward, the Indian Agent, failed to put upon his list, known as Ward's Register. This caused a great many complaints among the Choctaw Indians, so that in 1837, Congress appointed a Commission by an act approved March 3rd of that Year, and this Commission went to Mississippi and heard all claimants who desired to come before it claiming under Article XIV of that Treaty. In 1842 another Commission was appointed by Congress for the same purpose, and that Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. Do you know if any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842, claiming benefits under Article XIV of that Treaty? A No sir, I don't know.
- Q Did any of your Choctaw ancestors receive any scrip or certificate from the Government of the United States which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I do not know.
- Q This scrip was issued to Choctaw Indians who had proved their claims under Article XIV of the Treaty of 1830, and who also proved that their land had been taken from them by the Government and sold, and this land which they could select under the certificate issued to them was in-----was to be in lieu of the land which the Government had taken. You don't know whether any of your ancestors received any or took any? A No sir.
- Q Have you had any relatives who have come before this Commission to be identified as Mississippi Choctaws? A Yes sir.
- Q Will you give their names? A Mrs. Mollie Sawyer.
- Q Mrs. Mary I. Sawyer? A yes sir. Mrs. Mattie Johnson.
- Q Mattie A. T. Johnson? A Yes sir. First though the Ikard boys.
- Q Give their names will you? A I don't know whether all of them have appeared, but I can give you the names of all of the boys.
- Q Just those who have appeared? A Well, Milton Ikard has appeared but I don't know about the others, whether they have or not.
- Q Do they claim through the same common ancestor through whom you claim? A Yes sir.
- Q Do you want to have their testimony considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.
- Q Have you any evidence, or any witnesses that you desire to call now? A Not right now.
- Q You would like a little time would you? A Yes sir.
- Q Do present proper testimony or evidence? A Yes sir.
- Q Reasonable time will be allowed. Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything more you want to say in support of this claim? A Nothing more than to say I positively believe we are entitled to it.



(6).

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair, blue eyes, medium dark complexion. She has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----!-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December, 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 24 day of January, 1902.

*Charles Mitchell Wood*

Notary Public.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE  
W. E. STANLEY

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4334

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Lula P. Hearste,  
Weatherford, Texas.**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearste, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubbs, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Shepard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty. and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*James Bixby.*

Chairman.

Registered.

Muskogee, Indian Territory, May 1, 1905.

Lula P. Hearte,

Weatherford, Texas,

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1905.

Respectfully,

Chairman.

Choctaw, MCR 4335

Francis M. Montgomery

See MCR 282

MCR 4335



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Colbert, I. T., June 20, 1900.

In the Matter of the Application of :  
Frances M. Montgomery for Enrollment :  
as a citizen of the Choctaw Nation. : Choctaw R.-660.  
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Frances M. Montgomery, being first duly sworn, testified as follows:  
By Mr. Bixby:

- Q What is your name? A Frances M. Montgomery.  
Q How old are you? A 28 years.  
Q What is your postoffice address? A Emmett, I. T.  
Q How long have you lived at Emmett? A I have been there about three months.  
Q Where did you come from? A Loco.  
Q How long have you lived in the I. T.? A Since Nov. '86.  
Q Where did you live before coming to the Ty. A Texas.  
Q How long did you live in Texas? A I was born there and lived there until I was 14 years old.  
Q What is your father's name? A Sam Montgomery.  
Q Is he living? A No sir.  
Q Was he a Choctaw Indian or a white man? A White man.  
Q What is the name of your mother? A Lucinda Montgomery.  
Q Is she living? A No sir.  
Q Was she a Choctaw Indian? A Yes sir.  
Q What proportion of Choctaw blood did she claim to have? A 1/4.  
Q Was her name on the tribal rolls? A No sir.  
Q Was she ever recognized by the tribal authorities as a Choctaw Indian? A No sir.  
Q Did she ever apply to the Choctaw tribal authorities for enrollment as a Choctaw Indian? A No sir.  
Q Did you ever apply to them for enrollment? A No sir.  
Q Did you apply to the Dawes Commission in '96? A No sir.  
Q This is your first application? A Yes sir.  
Q You are not married? A No sir.  
Q Is there anything else you would like to say at this time with regard to your case? A I desire to state this, that a number of my relatives are on the rolls.  
Q On the tribal rolls, or put there by this Commission or the U. S. Court? A They were admitted by judgment of the U. S. Court at Ardmore.  
Q Do you want to state their names? A My brother, Emmett Montgomery, and my aunt, Bettie Segro.  
Q Are there any papers that you want to file in this case? A Yes sir.

Affidavit of F. M. Montgomery offered in evidence and marked Ex. A. and made a part of this record.

Decision withheld.

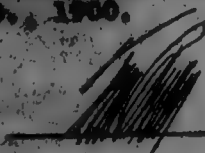
Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, ~~she reported the testimony of~~ she reported the testimony of the above named witness, and that the foregoing is a true and complete translation of her shorthand notes in said case.

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S-F. M. Montgomery.

James R. Brown

Subscribed in my presence and sworn to before me this  
24 day of July, A. D. 1900.



Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frances M. Montgomery for enrollment as a citizen by blood of the Choctaw Nation.

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The applicant, Frances M. Montgomery, appeared before the Commission at Colbert, Indian Territory, June 20, 1900, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from the evidence in this case that the name of the applicant has never been on any of the rolls of the Choctaw Nation, and that the applicant has never been admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of the Commission.

The application of Frances M. Montgomery for enrollment as a citizen by blood of the Choctaw Nation is therefore hereby refused.

BY THE COMMISSION.

  
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Acting Chairman.

Muskegee, Indian Territory, Oct. 1, 1900.

Muskogee, Indian Territory, January 31, 1901.

J. E. Sharp,

Attorney at Law,

Pawnee, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 22nd instant relative to the rights to enrollment as a citizen of the Choctaw Nation of G. W. Atwood. You state in your letter that you are in receipt of a communication from Mr. Atwood concerning his case. That he writes you that there was a registered letter received at Marietta postoffice on December 6th which was returned and he believes this letter was from the Commission concerning his rights. You now desire to be informed if his case has been passed upon and if so that you be furnished with a copy of the Commission's decision.

You also request information as to the application for citizenship in the Choctaw Nation of F. M. Montgomery.

Replying to your letter you are informed that in the matter of the application of G. W. Atwood et. al for enrollment as citizens of the Choctaw Nation the records of this Commission show that at Colbert, Indian Territory, on June 20th, 1900, George W. Atwood appeared before the Commission and made application for the enrollment of himself and his three minor children, George W. Jr., Mary and Roney Atwood as citizens by blood of the Choctaw Nation.

At said time there was filed with the Commission the original written application of George W. Atwood, et. al and on

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July 14th, 1900, additional written evidence was submitted by the applicant and filed by the Commission in this case.

On October 1st, 1900, after a careful consideration of the application of Mr. Atwood on his own behalf and on behalf of his children, the Commission rendered a decision refusing the application for the enrollment of himself and his children as citizens of the Choctaw nation. A copy of this judgment was sent to Mr. Atwood at Marietta, Indian Territory, by registered mail, on October 11th, 1900 and was returned to the Commission on December 8th, 1900 as undelivered.

The Commission was in receipt of a letter from Mr. Atwood of the 14th of January relative to the mailing and return of this letter and on the 17th of this month the Commission wrote Mr. Atwood at Thackerville, Indian Territory, enclosing a copy of the decision of the Commission in the matter of his application and the application on behalf of his children.

Mr. Atwood can undoubtedly furnish you with such copy as he has no doubt received the same by this time.

Relative to your inquiry as to the application for citizenship in the Choctaw nation of F. M. Montgomery, you are informed that the records of this Commission show that at Colbert, Indian Territory on June 20th, 1900, Frances M. Montgomery, made application for enrollment as a citizen of the Choctaw nation. There was offered in evidence at that time his original written application and subsequent thereto on July 14th, 1900, there was filed with the Commission additional written evidence in this case. On October 1st, 1900, the Commission rendered a decision refusing the appli-

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cation of Frances M. Montgomery for enrollment as a citizen of the  
Chectaw Nation, a copy of such judgment having been mailed to Mrs.  
Montgomery at Eust, Indian Territory, October 11th, 1900. We have  
Mr. Montgomery's registry receipt for such letter.

Yours truly,

Acting Chairman.

7-R-659

7-R-660

Muskogee, Indian Territory, March 8, 1901.

J. F. Sharp,

Attorney at Law,

Purdell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant enclosing the request of Frances M. Montgomery, to have the record in the matter of his application for enrollment as a citizen of the Choctaw Nation forwarded to the Secretary of the Interior.

The request of Frances M. Montgomery has been duly filed with the other papers in the matter of his application for enrollment as a citizen by blood of the Choctaw Nation and the record so made will be transmitted to the Secretary of the Interior when the final rolls of the citizens of the Choctaw Nation are forwarded him for approval.

Yours truly,

Acting Chairman.

7-R-660

Muskegee, Indian Territory, December 12, 1901.

Francis M. Montgomery,

Dolet, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Mudra Childress et al., you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of your application.

It appears from our records that at Colbert, Indian Territory, on June 20, 1900, you made personal application to this Commission for identification as a Mississippi Choctaw claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskegee, Indian Territory, on Wednesday, January 15, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 4335

Commissioner in Charge.



Miss. Choctaw.  
4304, 4335.

Muskogee, Indian Territory, April 15, 1902.

F. M. Montgomery,

Nida, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 8, asking if George Atwood, your cousin, has been enrolled, and also if your sister, Mrs. Sue Hearter, will be enrolled if she comes to Muskogee.

In reply to your letter you are advised that your application and the application of George W. Atwood have been combined with the applications of the several persons claiming identification as Mississippi Choctaws through the same common ancestor, and that no decision has yet been reached or opinion rendered relative to your rights as such Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

If your sister wishes to make application for identification as a Mississippi Choctaw she will be heard upon her personal appearance at the office of the Commission at Muskogee, Indian Territory. If she anticipates making application, it is suggested

P.M. 3

that she do so as early as practicable.

Yours truly,

Acting Chairman.

Muskogee Indian Territory, June 5, 1902.

Frances M. Montgomery,

Emet Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hudora Childress, et al., embracing the following applications for identification as Mississippi Choctaws:

Hudora Childress, et al.,	H.C.R. 282
Julia A. Whittington, et al.,	H.C.R. 4303
George W. Atwood, et al.,	H.C.R. 4304
Frances M. Montgomery,	H.C.R. 4335

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hudora Childress, Buster Childress, Charley Childress, Rosie Childress, Willie Childress, Frankie Childress, Julia A. Whittington, Arthur L. Whittington, Katie Whittington, Marian Whittington, Ruby Whittington, George W. Atwood, George William Atwood, Mary Atwood, Rosey Atwood, Wiley Wesley Atwood and Frances M. Montgomery as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*Tamie Dinty*

Acting Chairman.

Registered.

282

4335

CONF.

Muskogee, Indian Territory, November 7, 1902.

Frances M. Montgomery,

Wida, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eudora Childress, et al., of which decision you were advised by registered mail on the 5th day of June, 1902.

Respectfully,

Acting Chairman.

No. 4835

For Identification as a Mississippi Choctaw.

Date June 20 1900

Name Francis M Montgomery

Age 28 Blood

Post Office, Emmett St.

Father Sam Montgomery &

Mother: Lucinda Montgomery &

Claims through Mother

For  
Self only

Children:

Francis R Brown

**FILED**  
JUN 20 1900  
COMMISSION TO FIVE TRIBES.

W

CHOCTAW. (736-1/68)

JUN 20 1900

Francis M. Montgomery. (28)  
Emmet, I. T.

---

(Father) Sam Montgomery (11-1)  
(Mother) Lucinda Montgomery (1/4)

---

(Self only)

CHOCTAW.

Personal appearance and  
testimony at Colbert, I. T.  
June 20, 1900.



Choctaw MCR 4336

Samantha E. Terry

See MCR 762

MCR 4336

Department of the Interior.  
Commission to the Five Civilized Tribes  
Muskogee, I. T. December 11, 1901.

4336.

In the matter of the application for identification as Mississippi Choctaws of Samantha E. Terry and her three minor children, Eva R. Terry, Wentworth H. Terry and Mary H. Terry.

Applicant represented by de Graffenried & Scruggs, Attorneys.

Samantha E. Terry being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Samantha E. Terry.  
Q What is your age? A 54 years old.  
Q What is your post office address? A Jester, Greer County, Oklahoma.  
Q How long have you lived there? A 13 years.  
Q Where were you born? A Noxubee County Mississippi.  
Q How long did you live in Mississippi? A Until I was four years old. In my fifth yearx when we went to Texas.  
Q What place in Texas? A Leona, Leon County.  
Q How long did you live in Texas? A I lived in Texas until--  
13 years ago I left Texas.  
Q Where did you go to ? A Greer County, Oklahoma.  
Q Jester? A Yes sir.  
Q What is your father's name? A Thomas Reed.  
Q Is he living? A No sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Susan E. Tubb.  
Q Susan E. Reed? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-sixteenth I suppose.  
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir not that I know of.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Henry Terry.  
Q Has he any Choctaw blood? A No sir.  
Q Is he a white man? A Yes sir.  
Q You make no claim for your husband ? A No sir  
Q Have you any children under 21 years of age and unmarried that you want to make application for? A Three.  
Q What is the name of the eldest? A Eva R. Terry.  
Q How old is she? A 18.  
Q What is the name of the next? A Wentworth H. Terry.  
Q How old is Wentworth? A 16 years old.  
Q What is the name of the next child? A Mary H. Terry.  
Q How old is she? A 14.  
Q What is the name of the next? A That's all the young ones.  
Q Is Henry Terry the father of these children? A Yes sir.  
Q Was he ever married before he married you? A No sir.  
Q Were you ever married before you married him? A No sir.  
Q You claim for yourself and children do you? A Yes sir.  
Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you ever made application to be enrolled either for yourself or your children as members of the Choctaw tribe of Indians to the Dawes Commission under the act of Congress of June 10,

1896? A No sir.

- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever before this time made application for citizenship or enrollment in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or the United States authorities? A No sir.
- Q You now come before the Commission for the purpose of being identified as Mississippi Choctaws for yourself and your children claiming under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand article 14 of that treaty? A I have heard it this morning if you will allow that as understanding; I heard you read it to the others.
- Q Would you like to have it further explained? A No not--I think I understand it.
- Q You waive the explanation do you? A You can read it.
- Q Article 14 of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."
- Q You think you understand that do you Mrs. Terry? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of these provisions of that article? A No sir I dont.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather Elisha F. Tubb.
- Q What relation are you to Lula P. Hearte? A Cousin.
- Q Are you first cousin to her No sir third I think it is. Second or third.
- Q What relation are you to Mattie A. T. Johnson? A Second cousin.
- Q What relation are you to Mary I. Sawyer? A First cousin.
- Q These persons have made application on this day December 11 for identification as Mississippi Choctaws; do they claim through the same ancestor through whom you claim? A Yes sir.
- Q And the name should be Elisha F. Tubb? A You see they claim through their grandfather-- Mrs Johnson-- George Tubb and my grandfather is a brother to George Tubb.
- Q Did your ancestor live in Mississippi or Alabama in the year 1830 and have a family there at that time? A Yes I guess so.
- Q Where in Mississippi or Alabama? A Mississippi-- Noxubee County.
- Q In 1830? A Yes sir to the best of my knowledge he did.
- Q Did your Choctaw ancestor speak the Choctaw language or have a Choctaw Indian name? A Not that I know of.
- Q Did your ancestor or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I think so.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him that they wanted to remain in

- Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article 14 of the treaty of 1830? A No sir; not that I know of.
- Q Did they under any other article of the treaty of 1830 own land in Mississippi or Alabama? A No sir; not that I know of.
- Q Did they claim under the supplement of that treaty? A No sir not that I know of.
- Q Did you ever heard that any of your Choctaw ancestors claimed any benefits under any treaty made between the United States government and the Choctaw Indians? A. No.
- Q The Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified in order to take advantage of the provisions of article 14 of that treaty were required to go to the United States Indian agent, within six months after the ratification of that treaty and tell him they wanted to stay in Mississippi, take land and become citizens of the United States; a good many Indians did this whose names the agent failed to put upon his list known as Ward's register and his neglect to do this cause a great many Indians who had land in Mississippi to lose both their land and the improvements they had upon their land, both of which were taken from them by the government and sold at the public land sales of the government. This caused so many complaints among the Indians that in 1837 Congress appointed a Commission; this Commission went to the state of Mississippi and heard claimants under article 14 of the treaty of 1830 and made a list of their names. In 1842 another commission was appointed by Congress for the same purpose and this Commission went to Mississippi also and heard claimants under article 14 of the treaty of 1830. Do you know if any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed any benefits under article 14 of that treaty? A No sir I do not.
- Q The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article 14 of the treaty of Dancing Rabbit Creek, that if it further appeared that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given to him; these certificates were called scrip; did any of your ancestors get any of this scrip from the government? A Not that I know of.
- Q Do you want to have the testimony that has been given by relatives of yours who have appeared before the Commission to be identified as Mississippi Choctaws considered with your testimony in order that you may get the benefit of what they testified? A Yes I suppose so.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q Have you any documentary or other proper evidence that you want to present to the Commission in support of this claim? A No sir.
- Q Would you like a little time in which to furnish other testimony? A Yes sir.

Reasonable time will be allowed this applicant for that purpose.

- Q Who was Elisha F. Tubb? A My grandfather.
- Q Your father's father? A My mother's father.
- Q Now what relation was Elisha F. Tubb to George Tubb? A Brother.
- Q They were brothers? A Yes sir.

Samantha N. Terry—4.

- Q And then going back further — you claim from the same common ancestor as having descended not only from Elisha F. Tubb but George Tubb? A Yes sir.
- Q How many brothers and sisters did Elisha F. Tubb and his brother George Tubb have? A I could'nt give them — I could give my own mother's brothers and sisters but my grandfather's I cant give them all.
- Q Give what you can of them? A George and David and Susie and Mary; that is all I remember.

Examination by Mr. Scruggs attorney for applicant:

- Q Did Susie and Mary afterwards marry, if so to whom? A Yes, Mary married Mr. Petty; Miss Susie never married.

Examination by the Commission:

- Q There were all brothers and sisters of Elisha F. Tubb? A Yes sir.

Examination by Mr. Scruggs

- Q Did one of your great aunts marry Mr. Ikard? A Yes sir; and that was another name of my grandfather's sisters; I neglected to give Isabella Ikard.

This applicants N has the appearance and physical characteristics of being descended from white parentage; has medium dark complexion, dark eyes and dark hair; she has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 11th day of December 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 11th day of December 1901

*Thos. J. Hopkins*  
Notary Public.

COMMISSIONERS.  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4336

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Samantha E. Terry,  
Jester, Oklahoma.**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearde, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva



R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Registered.

2009.  
Chairman.

M.C.R. 4336

Muskogee, Indian Territory, May 1, 1905.

Samantha E. Terry,

Jenks, Oklahoma Territory.

Dear Madam:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date DEC. 11 1901

Name Samantha C. Perry

Age 54 Blood 1/16

Post Office, Jester, Okla

Father: Thomas Reed d

Mother: Susan " d

Claims through mother  
Husband Henry Perry w.  
No claim for husband

Children:

Eva R. Perry	18
Wentworth H.	16
Mary H.	14

Claims for self &  
Children

Stenographer Clara Melvina Wood

Choctaw MCR 4337

George A. Tubb

See MCR 762

MCR 4337

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 11, 1901.

#4337

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In the matter of the application of George A. Tubb for the identification as Mississippi Choctaws of himself and six minor children, Wade T., Alline, Helen, Willie G., George A., and Albert Tubb.

Applicant represented by DeGraffenreid & Scruggs, Attorneys.

George A. Tubb, being first duly sworn, testified on his oath as follows:

Examination by the Commission:

- Q What is your name? A George A. Tubb.  
Q George A.? A Yes sir.  
Q George A. Tubb? A Yes sir.  
Q No "s"? A No sir.  
Q What is your age Mr. Tubb? A Forty-four, October 25th, last.  
Q Forty-four? A Yes sir.  
Q What is your post office address? A Centerville, Texas.  
Q How long have you lived there? A All my life, sir.  
Q What is your father's name? A Richard W. Tubb.  
Q Is he living? A No sir, dead.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Esther Tubb.  
Q How do you spell that? A E-s-t-h-e-r.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much do you claim? A Well, I don't know.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A Not that I know of.  
Q When and where were your father and mother married? A In Leon County, Texas.  
Q Do you remember the day of the month and year of their marriage?  
A I cant tell you---I cant tell the year and date---they was married in '54.  
Q By a minister and under a license? A Yes sir.  
Q Do you think you could furnish proof of their marriage if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Are you married? A Yes sir.  
Q What is your wife's name? A Metta F. Tubb.  
Q Metta F.? A Yes sir.

George A. Tubb--2.

- Q Do you claim any Indian blood for her, or is she a white woman?  
A White woman.
- Q You make no claim for her? A No sir.
- Q Have you any children that you want to make application for that are under age and unmarried? A Yes sir.
- Q How many? A I have six.
- Q All under age and unmarried? A Yes sir.
- Q What is the name of the oldest? A Wade T.
- Q How old is he? A He will be eighteen the first day of January.
- Q What is the name of the next? A Alline.
- Q How do you spell it? A A-l-l-i-n-e.
- Q How old? A She is sixteen.
- Q What is the name of the next? A Helen.
- Q H-e-l-e-n? A Yes sir.
- Q How old? A She is fourteen.
- Q Next? A Willie.
- Q Boy or girl? A Girl; Willie G.
- Q How old? A She's twelve.
- Q Next? A Is Archie---George Archie.
- Q How old? A He's nine.
- Q What is the name of the next child? A Albert.
- Q How old is Albert? A About five months.
- Q You claim for yourself and children, do you? A Yes sir.
- Q Is Metta the mother of all these children? A Yes sir.
- Q And you the father? A Yes sir.
- Q Was she ever married before she married you? A No sir.
- Q Were you ever married before you married her? A No sir.
- Q When and where were you married to your wife? A Leon County, Texas.
- Q What date? A August '80.
- Q In August 1880? A Yes sir.
- Q Do you remember the day of the month? A Nineteenth of August.
- Q Were you married by a minister and under a license? A Yes sir.
- Q Have you your marriage license and certificate with you?  
A No sir; its on record.
- Q Do you think you could produce it if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Are the names of any of these children on the tribal rolls of the Choctaw Nation? A No sir.
- Q Has any application ever been made for them for citizenship in the Choctaw Nation to the Choctaw tribal authorities?  
A No sir.
- Q Have you ever made application for yourself and children for enrollment as Choctaw Indians to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1894?  
A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

George A. Tubb--3.

- Q Have you ever before this time sought to be enrolled as a member of the Choctaw tribe of Indians--yourself and children--by making application either to the Choctaw tribal authorities or the United States authorities in Indian territory? A No sir.
- Q Do you now come before this Commission for the purpose of identifying yourself and these children as Mississippi Choctaws?
- A Yes sir.
- Q Claiming under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article of that treaty? A Well I have heard it read here, yes sir.
- Q Do you care to have it read further? A No sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become citizens of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your ancestors complied or attempted to comply with the provisions of this article of this treaty?
- A None except the Ikards.
- Q I do not mean if they made application. I mean if they done the things described in this article? A No sir.
- Q You think you understand that article now? A Yes sir.
- Q What is the name of the ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Well, through my grandfather.
- Q What's his name? A My grandfather?---Elisha Tubb.
- Q Did he live in Mississippi? A Yes sir.
- Q When did he live there? A Well, fifty year ago or more.
- Q He didn't live there in 1830 did he? A I don't know he did.
- Q What is the name of your ancestor who lived there in 1830 in Mississippi? A I don't know any further back than my grandfather. My father came from there.
- Q Your grandfather Elisha Tubb? A Yes sir.
- Q Did he claim through his father--Elisha Tubb? A I don't know that he did.
- Q You do not know? A No sir.
- Q Well you are related to Samantha E. Terry? A Yes sir, cousins.
- Q And Lula Hearte? A Yes sir.
- Q Mattie A. T. Johnson? A Yes sir.



George A. Tubb--4.

- Q Mary I. Sawyer? A Yes sir.
- Q They all claim through Tubb as common ancestor? A Yes sir.
- Q Do you claim through the same ancestor? A Yes sir.
- Q How much Choctaw blood did your ancestor have through whom you claim? A I don't know.
- Q Your grandfather was Elisha---? A Elisha Tubb.
- Q Elisha F. Tubb? A Yes sir.
- Q How old would your grandfather, Elisha F. Tubb, be if living now? A I couldn't tell you exactly; I don't know; I would know if I was home; I couldn't tell you now, but we have the records at home.
- Q Did any of your Choctaw ancestors have Indian names or speak the Choctaw language? A Not that I know of.
- Q Did any of your Choctaw ancestors, if you know, live in Mississippi in 1830; had a family there; was the head of a family there at that time? A In 1830?
- Q Time the treaty of Dancing Rabbit Creek was made? A I could not say.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors, to your knowledge, go from the old Choctaw Nation to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own or claim land under any other article of that treaty than article fourteen or the supplement of that treaty? A Not that I know of.
- Q Do you know whether any of your Choctaw ancestors claimed any land or benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir, I don't know.

Those Indians who remained back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required, if they wished to take advantage of the provisions of the fourteenth article of that treaty within six months after the ratification of that treaty, to go to the United States Indian Agent, Colonel Ward, and register their names with him as members of the Choctaw tribe who desired to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. There were at least 7000 Choctaw Indians who stayed back in the old Choctaw Nation, and of that number Ward's list shows only 71 heads of families of them whom he put upon that list. A great many Indians who had land in Mississippi had land and improvements taken from them by the government and sold at public land sales because their names were not on

George A. Tubb--5.

Ward's list, although they went to him and tried to register. This caused a great many complaints among the Indians, and as a result of these complaints Congress appointed a Commission in 1837 by an Act which was approved March 3rd of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress by an Act approved August 23rd of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions, that of 1837 or the Commission of 1842, and claimed any benefits or rights under article fourteen of the treaty of 1830? A I don't know.

The Act of Congress approved August 23, 1842, provided: That if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it also appeared that he had land taken from him by the government and sold, that he should be entitled to select land in Mississippi, Louisiana, Alabama or Arkansas, to be taken from vacant government land and that a certificate to that effect be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not that I know of.  
Q Have you any documentary or any other proper evidence you want to present in support of your claim? A Not now.  
Q Do you want time in which to introduce witnesses before the Commission or have depositions taken? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Do you want the testimony of relatives of yours which have been here before the Commission to be identified as Mississippi Choctaws, and who claim through the same common ancestor through whom you claim, taken in consideration with others in order that you get the benefit of what they testified to? A Yes sir.  
Q Do you understand or speak the Choctaw language? A No sir.  
Q Is there anything more you want to say in support of your claim?  
A Not as I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown eyes, medium dark complexion and dark brown hair. Has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

By Attorney:

- Q How many brothers and sisters did your grandfather Klisha Tubb have? A I don't know. Know some of them.  
Q What ones do you know? A I knew that he had George W. Tubb

George A. Eddy--d.

and Mrs. Eddy, sister. I know very little about my grandfather's relations.

Albert C. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings and in the above entitled cause on the 12th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 12th day of December, 1901.

*Clara Mitchell Wood*

Notary Public.

Miss. Chootaw 4337

Muskogee, Indian Territory, November 4, 1902.

George A. Tubb,

Centerville, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 31, inclosing certificate of the Clerk of the Court of Leon County, Texas, to the destruction of the marriage records of his office in the year 1885, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Chootaws.

You are advised that the same has been filed with the record in your case, but before it can be accepted as conclusive evidence of your marriage it will be necessary for you to supply the affidavits of two disinterested witnesses who were present at your marriage.

Respectfully,

Acting Chairman.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4337

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

George A. Tubb,

Centerville, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearse, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28,

1898 (30 Stats., 495), which is as follows :

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Bursleson, R. D. Bursleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Aima Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."



You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,  
(SIGNED),

Registered.

Chairman.

Muskogee, Indian Territory, May 1, 1903.

George A. Tubb,

Centerville, Texas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NOV 4 1902

 ACTING CHAIRMAN.

OFFICE OF  
TAX-COLLECTOR LEON COUNTY  
R. A. LYNCH, COLLECTOR.

CENTREVILLE, TEXAS,

190.....

2

*The State of Texas*  
*County of Leon* *J. F. Johnson*  
County Clerk in and  
for Leon County State of Texas  
do hereby certify that the Court  
House in Leon County Texas, was  
destroyed by fire in the year  
A.D. 1885, together with a part of  
the records of said County in-  
cluding the marriage record  
in which was recorded the  
marriage of G. A. Dobb and  
Maria F. Heale.

Given under my hand and  
official Seal this 17<sup>th</sup> day of Oct.  
A.D. 1902.

*J. F. Johnson*  
Co. Clk. Leon Co. Texas  
By *D. R. Craig*, Deputy

## For Identification as a Mississippi Choctaw.

Date

DEC 11 1901

Name George A. Tubb.

Age 44. Blood Don't know.

Post Office, Centerville, Texas.

Father: Richard H. Tubb, d

Mother: Esther " b.

Claims through father  
 wife, Metta F. Tubb w.  
 No claim for wife —

## Children:

Wade T. Tubb,	18
Ailine " F.	16
Helen " "	14
Willie C. " F.	12
George A. "	9
Albert " 5 <sup>m</sup>	

Claims for self &  
 children

Stenographer A. G. McMillan.

Choctaw MCR 4338

Caleb G. Tubb

See MCR 762

MCR 4338

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 11, 1901.

4338

-----eOo-----

In the matter of the application of Caleb G. Tubb for the identification as Mississippi Choctaws of himself and his three minor children, Luther J. Tubb, Lulan Tubb, and Romy C. Tubb.

Applicant represented by DeGraffenreid & Scruggs, Attorneys.

Caleb G. Tubb, being first duly sworn, on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Caleb G. Tubb.  
Q What is your age? A Fifty-five.  
Q What is your post office address? A Fay, Texas.  
Q How long have you lived there? A I lived there seven years.  
Q Where did you live before that? A Lived at Mexia, Texas.  
Q And before that? A I lived in Leon County, known as Hardin post office.  
Q Always lived in Texas? A No sir, born in Mississippi.  
Q Where in Mississippi? A Neshoba County.  
Q How long did you live in Mississippi? A I left there when I was eight or nine years old and went to Texas.  
Q Have you lived in Texas ever since? A Yes sir.  
Q Where have you lived longest in the state of Texas?  
A In Leon County.  
Q How many years there, about? A I resided in that county about forty years.  
Q What is your father's name? A George W. Tubb; George Washington.  
Q Is he living? A No sir.  
Q What is your mother's name? A Martha A. Tubb.  
Q Martha A.? A Yes sir.  
Q Is she living? A No sir.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A Well, my father claimed one-fourth. I claim about one-eighth.  
Q You claim your father had one-fourth? A Yes sir.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A Not that I know of, no sir.  
Q When and where were your father and mother married? A Knoxville County, Mississippi.

Caleb G. Tubb--2.

- Q Do you remember the day of the month and year? A No sir, I don't. We have a family bible at home, but not knowing I had this proof to make---
- Q You can introduce this evidence later? A Yes, my brother has a family bible.

Time will be given for that purpose.

- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mollie L. Tubb.
- Q Do you claim any Indian blood for her, or is she a white woman? A She claims Indian blood. They have been working at it for some time.
- Q Has she been before the Commission? A No sir.
- Q Do you make any claim for her? A Not to-day, no sir.
- Q Have you any children you want to make application for? A Yes sir.
- Q How many? A Three.
- Q All under age and unmarried? A Yes sir.
- Q What is the name of the oldest? A Luther J. Tubb.
- Q How old is he? A He's seventeen, Christmas.
- Q What is the name of the next? A Lulan.
- Q Boy or girl? A She's a girl.
- Q How old? A She's seventeen too---twins.
- Q What is the name of the next? A Romy Cape Tubb, she's a girl.
- Q Romy C.? A Yes sir.
- Q How old? A Seven years old; seven in April.
- Q Six now? A Yes sir, six now.
- Q Is that all? A Yes sir, that's all the children I have except a daughter that is of age, Mattie A. T. Johnson.
- Q Is your wife Mollie L. Tubb the mother of these children? A Yes sir.
- Q Was she ever married before she married you? A No sir.
- Q Were you ever married before you married her? A Yes sir.
- Q Have you any children by any other marriage that you want to make application for? A No sir.
- Q What is the name of your first wife? A My first wife?
- Q Yes sir? A Carrie E. Tubb.
- Q Mollie L. Tubb then is your second wife? A Yes sir.
- Q Now you say your first wife's name was what? A Carrie.
- Q Carrie Tubb? A Yes sir, Carrie E. Tubb.
- Q Is she dead? A Yes sir.
- Q Was she a white woman? A Yes sir.
- Q When did she die? A She died in '79.
- Q 1879? A Yes sir.
- Q 1879? A Yes sir.
- Q And what was the name of the daughter of yourself and Carrie E. Tubb? A Mattie A. T. Johnson.
- Q She made application for identification to-day before the Commission, December 11th? A Yes sir.
- Q Now you claim for yourself and these three children, do you not? A Yes sir.
- Q When and where were you married to your wife Mollie L. Tubb? A In Leon County---no in Freestone County.
- Q Texas? A Yes sir.



Caleb G. Tubb--3.

- Q Do you remember the month and year? A '83, ninth day of August.
- Q By a minister and under a license? A Yes sir---no I was married by a magistrate.
- Q Have you your marriage license and certificate of marriage to your second wife? A No sir.
- Q Can you produce it if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Is your name or the name of any of these children on the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Have you ever made application for citizenship for yourself and children in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application for yourself and children that has ever been made for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities? A Yes sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Of 1830?
- Q That article of the treaty of 1830? A No sir, I don't know as I do.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians who at that time lived in the old Choctaw Nation in Mississippi and Alabama, and was made for the purpose of the removal of all Choctaw Indians who lived there in that old Choctaw Nation from that country to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory. They desired to be protected by having a provision put into that treaty but wouldn't go from the old Choctaw Nation. So article fourteen was drafted and put into the treaty in order to protect and care for the interests of those Choctaw Indians who stayed back there. After this article was put into the treaty it was signed, and after that ratified.

Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried

Caleb G. Tubb---4.

child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of the treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?
- A I do not.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Tubb--my father.
- Q But go back as far as you can and give the name of your ancestor who lived in Mississippi in 1830? A I don't know--grandfather's name.
- Q Do you claim through Tubb? A Yes sir.
- Q Do you know the first name? A I think it was Tubbee.
- Q Well everybody else has said Tubb. Now if you think it is Tubbee I will make it so. It may be Tubb? A Yes sir.
- Q But you understand Choctaw names were made up of different syllables and male names terminated often in ubbee. Often a name would be Mushalatubbee for instance, with tubbee. Tubbee would be often added. The termination would be tubbee which means hunter or to kill, and denoting strength and bravery and manly quality, and became a name used as the termination of male significance? A Yes sir, there is some Tubbee Indians in Mississippi now.
- Q Now you think this name was originally Tubbee? A Yes sir.
- Q But you do not know the first name? A No sir.
- Q Do you know whether this name Tubb which you claim is a contraction---Anglo-Saxonised word from Tubbee, came from the Indian originally? A I think so.
- Q What relative was it through whom you claim now who lived in Mississippi in 1830? A My father.
- Q Lived there in 1830? A Yes sir, George W. Tubb.
- Q George W. Tubb lived in Mississippi in 1830? A Yes sir.
- Q Did he have a family also at that time? A Yes sir.
- Q Was he the head of a family in 1830? Seventy-one years ago?
- A No, he wasn't married then. He wasn't of age. Lived in Mississippi but not married.
- Q His father live in Mississippi in 1830? A I think his father lived in Alabama. Don't know whether he moved to Mississippi then or not.
- Q You can't give the name of your ancestor who lived in Mississippi in 1830, and had a family? A No sir, I can produce that evidence.
- Q Haven't it with you now? A No sir.
- Q Can you tell how old your father would be if living now? A Fifty-three; born in 1818, which would make him about eighty-three.

Caleb G. Tubb--5.

- Q Can you give his father's full name? A I can not.
- Q Do you know where his father was born and when? A No sir.
- Q Or where and when he died? A No sir, his father died before I was born.
- Q Did your father, George W. Tubb, or did his father have a Choctaw Indian name? A I don't know sir.
- Q Did either of them speak the Choctaw language? A I don't know.
- Q Do you speak or understand that language? A No sir. My father didn't speak it, and I don't know whether his father did or not.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors, to your knowledge, own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them claim any land under any other article of that treaty? A Not that I know of.
- Q Or the supplement of that treaty? A Not that I know of.
- Q Did any of your ancestors of Choctaw Indians claim any rights under any other treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A Not that I know of.

The Indians who stayed in Mississippi after the treaty of 1830 was ratified, in order to take advantage of the provisions of the fourteenth article of that treaty which was put into the treaty for their special benefit, were required, within six months after the ratification of that treaty, to go to Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His neglect to do so caused a great many Indians who had land in Mississippi and Alabama to have both land and improvements taken from them by the government and sold at public land sales. This caused so many complaints among the Choctaw Indians that Congress, as a result of the complaints, appointed a Commission in 1837, by an Act approved March 3rd of that year, and this Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission for the same purpose and this Commission also went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits, rights or privileges under article fourteen of the treaty of 1830? A I couldn't tell you.
- Q Did any of your Choctaw ancestors receive any scrip from the

Caleb G. Tubb--6.

United States government as Choctaw Indians which authorized them to select land either in Mississippi, Alabama, Louisiana or Arkansas, and which was given to those ancestors because they proved their claim under article fourteen of the treaty of 1830 and also proved they had land which the government had taken from them? A I don't know.

Q Have you any documentary or other proper evidence that you would like to present now in support of this claim?

A No sir, not now.

Reasonable time will be allowed this applicant in which to introduce witnesses before the Commission if he desires, and for the taking of depositions of witnesses in support of this application.

Q Will you name ever some of your relatives who have come here claiming through the same common ancestor? A How is that?

Q Will you name ever some of your relatives who have come here claiming through the same common ancestor? A To-day?

Q To-day, or any time? Mary I. Sawyer? A Yes sir.

Q Mattie A. T. Johnson, that's your daughter? A Yes sir.

Q Lula P. Hearse? A Yes sir.

Q Samantha E. Terry? A Yes sir.

Q George A. Tubb; what relation is George A. Tubb? A Cousin.

Q Are there any who have come before this Commission previous to this date? A Four of the Ikards.

Q Milton, William, Fayette and Elisha, these all claim through the same common ancestor through whom you claim? A Yes sir.

Q Do you want their testimony considered with yours when yours is taken up for consideration? A Yes sir.

Q Is there anything more you want to say in support of this application? A No sir.

Examination by attorney:

Q Where did your father live in Mississippi? A Knoxville county?

Q Did he own land when you moved from there? A Yes sir.

Q Do you know how he obtained that land? A I do not.

Witness excused.

This applicant has the appearance and physical characteristics of being descended from white parentage; has ruddy complexion; brown eyes; sprinkled gray hair; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions or article fourteen of the treaty of 1830.

Witness recalled and examined by attorney:

Q How many uncles and aunts did you have--brothers and sisters of your father? A Elisha Tubb, Floyd Tubb, David Tubb; that was all the boys; and then there was Isabella Ikard, Lucinda Cole and Susan Tubb. That is all the children that I remember.

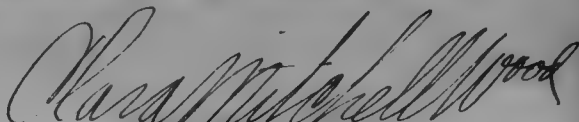
Caleb G. Tubb--7.

There was more than that but I don't remember the names right now of the others. They died before I knew them. I forget their names I suppose.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 11th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

Subscribed and sworn to before me this 12th day of December, 1901.

  
Notary Public.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4338

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Caleb O. Tubb,

Pay, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Spæer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva



R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Posey, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Shepard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

*Tammie B. B. B.*

Registered.

Chairman.

Muskogee, Indian Territory, May 1, 1905.

Caleb G. Tubb,

Pay, Texas.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1905.

Respectfully,

Chairman.

## For Identification as a Mississippi Choctaw.

Date

DEC 11 1901

Name Caleb G. Tubb

Age

35-3-

Blood

1/8

Post Office,

Fay, Texas.

Father;

George W. Tubb.

d

Mother:

Martha A. "

d

Claims through

father 1/4

wife

Mollie L. Tubb. —

No claim for wife —

wife (1) Carrie E. Tubb. (d) w.

Children:

Luther J. Tubb. 17

Lulan " F. 17

Romy C. " F. 6

mother,

Mollie L. Tubb.

Claims for self &amp; children

Stenographer

A. G. McMillan

Choctaw MCR 4339

Robert E. Terry

See MCR 762

MCR 4339

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. December 11, 1901.

4339

In the matter of the application for identification as a  
Mississippi Choctaw of Robert E. Terry.

Applicant represented by de Graffenried & Scruggs, attorneys.

Robert E. Terry being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Robert E. Terry.  
Q What is your age? A 29.  
Q What is your post office address? A Jester, Greer County,  
Oklahoma.  
Q How long have you lived in Jester? A I've lived there thirteen  
years.  
Q Where did you live before you lived there? A In Texas.  
Q Where were you born? A I was born in Texas. In Leen County.  
Q Did you live there until you went to Oklahoma? A No sir; I  
lived in other parts of Texas.  
Q But you always lived in the state of Texas until you went to  
Oklahoma? A Yes sir.  
Q And you have been there how long? A I lived in Texas eighteen  
years --- seventeen years and have been in Oklahoma since.  
Q What is your father's name? A Henry.  
Q Henry Terry? A Yes sir.  
Q Is he living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Her name is Samantha E. Terry.  
Q Through which parent do you claim Choctaw blood? A Through my  
mother.  
Q She appeared for identification before the Commission on the  
above date December 11 did she? A Yes sir.  
Q How much Choctaw blood do you claim? A One-thirty-second.  
Q Has your mother ever been recognized as a Choctaw Indian or  
enrolled as such? A No sir.  
Q By either the Choctaw tribal authorities or the United States  
authorities in the Indian Territory? A No sir.  
Q Are you married? A No sir.  
Q You claim for yourself alone do you? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A Sir?  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw  
Nation to the tribal authorities in the Indian Territory?  
A No sir.  
Q Have you ever made application to be enrolled as a member of the  
Choctaw tribe of Indians in the Indian Territory to the Com-  
mission to the Five Civilized Tribes under the Act of Congress  
of June 10, 1896? A No sir.

Robert E. Terry--2.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was made between the United States government and the Choctaw tribe of Indians at that place in Mississippi on the 27th day of September 1830 and was for the purpose of affecting the removal of all the Choctaw Indians who lived in the old Choctaw Nation to the new Choctaw Nation Indian Territory. Before the treaty was signed, it became evident that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests, article fourteen was put into the treaty; article fourteen of that treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article of that treaty? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elisha F. Tubb.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q Did he have a family there at that time? A No sir I suppose not.
- Q Do you know whether any of your Choctaw ancestors complied with the provisions of that article of that treaty? A No sir I dont.
- Q Through whom did Elisha F. Tubb claim his Choctaw blood? A Through his father I suppose.
- Q Do you know his father's name? A No sir.
- Q Could you give the name of any of your Choctaw ancestors who claim their blood through that line and who lived in Mississippi in 1830 and had a family there at that time? A Yes, my grandmother - my mother's mother was there at that time.
- Q You claim through the father's line do you not; you claim through Elisha F. Tubb and then through his father dont you? Yes sir.
- And he through his father? A I dont know how that is.

Robert E. Terry--3.

- Q Can you give the name of any Choctaw ancestor who lived in Mississippi in 1830 and had a family there then? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own or claim any land or any benefits at all under any other article of the treaty of 1830 than article fourteen or under the supplement? A None that I know of.
- Q Did any of your ancestors if Choctaw Indians claim any rights benefits or privileges under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A None that I know of -- no sir.
- Q In 1837 a Commission was appointed by Congress under an act approved March 3 of that year which Commission went to the State of Mississippi and heard Choctaw Indian claimants who claimed benefits under article 14 of that treaty; in 1842 by an act of Congress approved August 23 of that year a Commission was appointed by Congress for the same purpose and this Commission heard claimants under article 14 of the treaty of 1830; these two different Commissions were appointed because of the complaints of a great many Choctaw Indians that they had been to Colonel Ward within six months from the ratification of the treaty of 1830 and registered their names with him as Indians who desired to take advantage of the provisions of article 14 of that treaty and stay in Mississippi, take land there and become citizens of the United States, but that he had failed to put their names on his register known as Ward's register, which was true. Now do you know whether any of your Choctaw ancestors appeared before either the Commission of 1837 or 1842, claiming benefits under article 14 of the treaty of Dancing Rabbit Creek? A No sir I don't.
- Q The Act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article 14, if it further appeared that he had land taken from him by the government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did any of your Choctaw ancestors ever receive any such scrip as Choctaw Indians? A No sir not that I know of.
- Q Have you any evidence of any kind that you want to submit now in support of this application? A No sir.
- Q Have you any witnesses you want to call? A No sir.
- Q Would you desire time to produce witnesses or the depositions of witnesses? A Yes sir.
- Q Reasonable time will be allowed this applicant for that purpose.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Will you give the names of some of your relatives who have appeared here for identification claiming through the same common ancestor? A C. G. Tubb, Caleb G. Tubb, George A. Tubb, my mother Samantha E. Terry, Mattie A. T. Johnson, my second or third cousin, Mary I. Sawyer and Lula P. Hearte.



Robert E. Terry--4.

- Q Are these all relatives of yours? A Yes sir.  
Q All claim through the same common ancestor? A Yes sir.  
Q There are others whose names you have not mentioned? A Yes sir  
Q You want to have the testimony of these relatives considered with yours in order that you may get the benefit of what they have testified to? A Yes sir.  
Q Is there anything more you would like to state now in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has a ruddy complexion, blue eyes, brown hair; he has no knowledge of the Choctaw language and no knowledge of compliance on part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 11th day of December 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 2nd day of January 1902.

*Philip B. Hopkins*  
Notary Public.

## COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4339

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Robert E. Terry,  
Jester, Oklahoma.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearde, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Mattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed; Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

*James Brady.*

Chairman.

Muskogee, Indian Territory, May 1, 1905.

Robert E. Terry,

Jester, Oklahoma.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

## For Identification as a Mississippi Choctaw

Date

DEC 11 1901

Name Robert E. Perry,

Age 29 — Blood  $\frac{1}{32}$ 

Post Office, Jester, Okla.

Father: Henry Perry, l.

Mother: Samantha E. v l.

Claims through mother.

Address:

Claims for self  
alone

Stenographer Clara Mitchell Wood



Choctaw MCR 4340

James F. Tubb

See MCR 762

MCR 4340

4340

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. December 11, 1901.

In the matter of the application of James F. Tubb for identification as a Mississippi Choctaw and for the identification of his four minor children, Jessie L. Tubb, Mary F. Tubb, George H. Tubb and William J. Tubb as Mississippi Choctaws.

James F. Tubb being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James F. Tubb.  
Q What is your age? A 44.  
Q What is your post office address? A Jester, Oklahoma, in Greer County.  
Q How long have you lived in Jester? A Only twelve months; I came there the 27th of December last.  
Q Where did you live before you lived there? A Leon County Texas.  
Q How long did you live in Leon County, Texas? A 43 years; I been there all the time.  
Q You have always lived there and were born there? A Yes sir.  
Q Is your father living or dead? A He's dead.  
Q What was his name? A George W. Tubb.  
Q Is your mother living or dead? A She's dead.  
Q What was her name? A Martha A. Tubb.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much Choctaw blood do you claim to have? A I dont know  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Nation by the tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q When and where were your father and mother married? A In Mississippi.  
Q What place in Mississippi? A Noxubbee County I guess.  
Q Do you know? A No not for certain.  
Q Can you give the date of that marriage? A No sir; I dont believe I could.  
Q Have you their marriage license and certificate with you and would you like to present them in this case? A Not now, no sir. I have it at home.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Mary E. Tubb.  
Q Do you make any claim for her as having Choctaw blood or is she a white woman? A She's a white woman; no sir I dont make any claim for her.  
Q She is living? A Yes sir.  
Q Have you any children under 21 years of age and unmarried for whom you wish to make application? A Yes sir; I been married twice-- you didnt ask me that question.  
Q Is Mary E. Tubb your second wife? A Yes sir.  
Q Have you any children by her? A One.  
Q What is the name of this child by Mary E. Tubb? A We call him William J. Tubb.  
Q How old is he? A He's three years old

James F. Tubb--2.

- Q Mary E. Tubb is his mother? A Yes sir.
- Q What was the name of your first wife? A Annie E. Tubb.
- Q When and where did she die? A She died in Leon County.
- Q Can you give the date of her death? A She has been dead ten years.
- Q Can you give the exact date of her death? A No sir I dont remember the exact date.
- Q Have you any children by this first wife, Annie E. Tubb; if so what are their names and ages? A Jessie L. Tubb.
- Q How old is she? A She's fifteen.
- Q What is the name of the next? A Mary E. Tubb.
- Q How old is she? A She's thirteen.
- Q What is the name of the next? A George H. Tubb.
- Q How old is George H.? A Ten.
- Q The next? A That's all of them; three.
- Q Was Annie E. Tubb the mother of these children? A Yes sir of those three.
- Q When and where were you married to Annie E. Tubb? A In Freestone County.
- Q In what state? A In Texas.
- Q What date? A In October - '93; but I dont remember the date - either the second or third.
- Q Were you married to her by a minister under a license? A No sir.
- Q By a Justice of Peace under a license? A Yes sir.
- Q Have you the marriage license and certificate of your marriage with your first wife Annie E. Tubb with you? A Not with me - no sir.
- Q Have you the marriage license and certificate of your marriage to your second wife Mary E. Tubb with you? A No sir.
- Q When were you married to her? A It was four years ago this last October I think; I cant remember the date - it always was the hardest thing---
- Q You dont remember the date of either of your marriages? A No sir.
- Q Were you married by a minister? A Yes sir.
- Q Under a license? A Yes sir.
- Q Do you now make application for these four children as well as for yourself? A Yes sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A Not that I know of.
- Q If they were on the rolls you would know it would'nt you? A You mean my name?
- Q Your name any the names of any of these children -- if they were on any of the tribal rolls you would know it -- you would know if any of you were enrolled. A It looks like I would.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself or any of your children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship or membership in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896. A No sir.
- Q Have you ever been admitted, and your children, to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever prior to this time tried to become enrolled or tried to get your children enrolled as members of the Choctaw tribe of Indians by making application either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.

James F. Tubb—3.

Q Do you now come before the Commission for the purpose of the identification of yourself and these children as Mississippi Choctaws claiming under article 14 of the treaty of 1830?

A Yes sir.

Q Do you understand the provisions of article 14 of that treaty?

A No sir I dont

Q The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw tribe of Indians in the year 1830, was signed September 27, 1830 and afterwards ratified on the 24th day of February 1831; the nature of that treaty made at that time, or one of the objects of it was the removal of the Choctaw Indians who resided in the old Choctaw Nation in Mississippi and Alabama from their old Nation to the Choctaw Nation, Indian Territory, but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the provisions of that treaty and in order to protect their interests, preserve their rights in the treaty, article 14 was put into the treaty, the treaty was signed and later became ratified. Article fourteen is as follows:

" Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you understand article 14 after having heard it explained and read to you. A Well I dont know as I thoroughly understand it yet.

Q You understand what a treaty is dont you? ( No answer)

Q Do you know what an agreement in writing is; you have made them perhaps. A Yes sir.

Q An agreement in writing may be made between two or more people, individuals.

Q An agreement in writing that is made between Nations instead of between individuals is called a treaty; such an agreement in writing or compact was made between the United States government and the Choctaw Indians -- two nations -- that was the treaty of 1830; the object of that treaty was the removal of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory; they could'n be driven here like sheep; they had to consent to come there -- to consent by signing the treaty, but there were some Indians who said they would not come; they were the Indians who stayed back in the old Choctaw Nation in Mississippi

and Alabama after the treaty of 1830 was ratified; there were a good many stayed back there. Now in order to protect the interests of those people who stayed there, article fourteen was put into the treaty; this article I have read to you; an article in a treaty is a subdivision or part of the treaty; those Indians were required under that article if they wanted to take land in Mississippi to live on it for five years and then get a deed to that land from the government, they were required to go to the United States Indian agent, Colonel Ward who lived there then in Mississippi and tell him they wanted to stay in Mississippi, they wanted to take land there, and that they wanted to become citizens of the United States; in other words they registered their names with Colonel Ward or tried to; a good many Choctaw Indians went before him whose names were not put upon that list; some had their names placed upon Colonel Ward's register; those who had their names on that list were entitled to select land in Mississippi and if they lived on it for five years they could get a title from the government; if they afterwards went to the Choctaw Nation Indian Territory they could get rights there to equal with the other Indians. Now don't you understand that? A Yes sir I think so.

Q Did any of your Choctaw ancestors go before Colonel Ward within six months from the ratification of the treaty of 1830 as provided for by article fourteen and tell him they wanted to stay in Mississippi and become citizens of the United States? A I don't know sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A George W. Tubb.

Q Who is George W. Tubb? A My father.

Q What is the name of your Mississippi Choctaw ancestor (if you can tell) who lived in Mississippi in 1830 and who had a family there at that time? A My father lived there at that time I think.

Q George W. Tubb lived there in 1830? A Yes sir.

Q Did he have a family there at that time? A Yes sir; he had some family.

Q He was a married man in 1830 was he? A Yes sir.

Q When did he die? A He died -- he's been dead five years.

Q How old was he when he died? A 79

Q He would be 84 years old if living now? A I think so.

Q You say he was married; that he had a family in Mississippi in 1830? A I guess not; I can't remember dates -- that's the trouble.

Q He wouldn't be very old in 1830? A No sir because he was born in 1818 I know.

Q You claim through which parent -- his father or mother? A I don't know.

Q Did you never hear whether he claimed through his father or mother? A It was through his mother I think.

Q You think he claimed through his mother? A Yes sir.

Q Do you know? A No sir I don't.

Q What was his mother's name? A I can't tell you that.

Q When and where was she born? A I don't know sir.

Q What was her name? A I don't know.

Q Do you know whether she lived in Mississippi or Alabama in 1830 and had a family there at that time? A No sir I don't.

Q Can you give the name of any Choctaw ancestor through whom you claim this right to be identified as a Mississippi Choctaw and who lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and had a family there at that time? A No sir.

- Q Did any of your Choctaw ancestors to your knowledge speak the Choctaw language or have Choctaw Indian names? A No sir; not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in 1830? A I dont know sir.
- Q Did any of your ancestors if Choctaw Indians go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir I dont know.
- Q Did any of your ancestors if Choctaw Indians claim or receive any land or any benefits of any kind under article 14 of the treaty of 1830? A I dont know sir.
- Q Do you know if they received any land or claimed any or any benefits under any other article of the treaty of 1830 than article 14 or under the supplement of that treaty? A I dont know sir.
- Q Did any of your ancestors if Choctaw Indians claim under any treaty made between the United States government and the Choctaw Nation other than the treaty of 1830? A I dont know sir.
- Q The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified if they desired to take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek were required to go before the United States Indian Agent whose name was Colonel Ward, within six months from the ratification of that treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the United States; a great many Indians did this whose names Colonel Ward did not put down upon his list known as Ward's register; they made their applications but he failed to record these applications; afterwards a great many Indians who had land in Mississippi had their land taken from them by the government and sold for the reason that their names did not appear on that list, and in order to have land their names should have been recorded. This was not their fault but nevertheless the government took the land from them and the improvements on that land; so many complaints were made by the Choctaw Indians, especially by those who had their lands taken from them that Congress appointed a Commission in 1837 which Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 Congress appointed another Commission for the same purpose and for the same object, and this Commission also went to Mississippi and heard claimants under article 14 of the treaty of 1830; Do you know if any of your Choctaw ancestors appeared before either of these Commission and claimed benefits under article fourteen of that treaty? A No sir I dont.
- Q Did you ever hear that any of your Choctaw ancestors received scrip or certificates from the government entitling them to select land in Mississippi, Alabama, Louisiana or Arkansas in place of land that had been taken from them by the government after they had proved their rights under article 14? A No sir.
- Q Will you give the names of some of your relatives who have ~~xxx~~ applied for identification today?
- A Mary I Sawyer, Mattie A. T. Johnson, Lula P. Hearse, Samantha E. Terry, George A. Tubb, Caleb G. Tubb, Robert E. Terry
- Q Are these all related to you? A Yes sir.
- Q They all claim through the same ancestor through whom you claim
- A Yes sir.
- Q Do you want to have their testimony considered with yours in order that all may be taken into consideration as descendants from the same common ancestor? A Yes sir.



- Q Have you any evidence of any kind that you want to present now to the Commission in support of this claim? A No sir not now.
- Q Do you want time? A Yes sir
- Q Reasonable time will be allowed this applicant to present evidence or testimony or the depositions of witnesses; also to present the proof of the marriage of his father and mother and his marriage to his wife Annie B. Tubb, as well as to his marriage to his second wife Mary E. Tubb.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q Is there anything more you want to say in support of this claim? A No sir.

The applicant has the appearance and physical characteristics of being descended from white parentage; has a ruddy complexion blue eyes; hair gray, formerly dark; he does not understand or speak the Choctaw language and has no knowledge of compliance on part of his ancestors with any of the provisions of article 14 of the treaty of 1830

Clara Mitchell Wood being first duly sworn upon oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 11th day of December 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 2nd day of December 1902.

*Philip B. Hopkins*  
Notary Public.

## COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE  
W. E. STANLEY

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4340

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

James F. Tubb,

Jester, Oklahoma.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearde, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235



Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Shepard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

*Tamé Bixby.*

Chairman.

Registered.

Muskogee, Indian Territory, May 1, 1905.

James F. Tubb,

Jester, Oklahoma.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date DEC 11 1901

Name James F. Tubb

Age XX - Blood don't know

Post Office, Jester, Okla.

Father: George W. Tubb, d.

Mother: Martha A. " d.

Claims through father  
wife,  
(2) Mary E. Tubb, w. (d.)

No claim for wife,  
wife  
(1) Annie E. Tubb, (d)

Children:

William J. Tubb, 3  
mother Mary E. Tubb,

Jessie L. Tubb, 15  
Mary E. " 13  
George H. " 10

Claims for self &  
children -

Stenographer Clara Mitchell Wood

Choctaw MCR 4341

James D. Reed

See MCR 762

MCR 4341

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., DECEMBER 11, 1901.

#4341

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In the matter of the application of James D. Reed for the identification as Mississippi Choctaws of himself and his two minor children, Frank R. Reed and Herbert D. Reed.

Applicant represented by DeGraffenreid & Scruggs, Attorneys.

James D. Reed, being first duly sworn, on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A Reed, J. D.---James D.  
Q What is your age? A Fifty-two.  
Q What is your post office address? A Mangum, Oklahoma.  
Q How long have you lived in Mangum? A Why, its pretty near a year----eleven months and something.  
Q Where were you born? A Alabama.  
Q Where in Alabama? A Sumpter County.  
Q Do you know how long you lived there? A No sir, it was a short while.  
Q Then you went where? A Mississippi.  
Q Where in Mississippi did you live? A Noxubie County.  
Q How long did you live in Mississippi? A Why, I couldn't tell exactly--something over a year--year and a half.  
Q You went where then? A Texas.  
Q Have you lived in Texas continuously until you went to Oklahoma Territory? A With the exception of two years that I was water bound in Arkansas.  
Q What years were those? A '89 and '90.  
Q How long have you lived in Oklahoma? A Lived there nearly a year; pretty near a year; went there in December.  
Q What is your father's name? A Thomas W. Reed.  
Q Is he living? A No sir.  
Q Your mother living? A No sir.  
Q What was hername? A Susan E.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q How much do you claim? A Oh, I couldn't tell exactly.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A Not that I know of.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Ella J. Reed.



James D. Reed--2.

- Q Do you claim any Indian blood for her, or is she a white woman?  
A No sir.  
Q Living? A Yes sir.  
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes sir.  
Q What is the name of the oldest? A Frank R. Reed.  
Q Frank R. Reed is that right? A Yes sir.  
Q How old is he? A Nineteen.  
Q The next? A Herbert D.  
Q H-e-r-b-e-r-t D.? A Yes sir.  
Q How old is he? A Six.  
Q The next? A That's all.  
Q Is Ella J. Reed the mother of these two children? A Yes sir, I have two over age.  
Q They have to make application for themselves. Is Ella J. Reed the mother of these two children? A Yes sir.  
Q Was she ever married before she married you? A No sir.  
Q Were you ever married before you married her? A No sir.  
Q When and where were you married to her? A Texas.  
Q What date? A Fifteenth of June, '76.  
Q What County? A Leon.  
Q Were you married by a minister and under a license? A Yes sir.  
Q Have you that license and certificate with you now? A No sir.  
Q Think you can produce it if given time? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q You claim for yourself and these children do you? A Yes sir.  
Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896?  
A No sir.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Have you ever before this time attempted to enroll yourself and children as members of the Choctaw tribe of Indians by making application either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.  
Q Do you now come before this Commission for the purpose of being identified, and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.  
Q Do you understand that article of that treaty? A No sir, I don't know as I exactly do.

The treaty of 1830 was made between the United States government and the Choctaw Indians on the 27th day of September of that year. It was made for the purpose of the removal

James D. Reed--3.

of all the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation in Indian Territory. Before it was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A Not that I know of.
- Q Do you understand that now? A I think I do, yes sir.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Grandfather.
- Q What was his name? A Elisha F. Tubb.
- Q Did Elisha F. Tubb live in Mississippi? A Yes sir.
- Q When did he live there? A I couldn't tell you. He moved from there here in '51.
- Q In '51? A That is in Texas.
- Q He moved from Mississippi to Texas in '51? A Yes sir.
- Q Did he have a family when he moved? A Yes sir.
- Q How old was he when he moved into Texas? A I couldn't tell exactly---in '51---near fifty years old---about fifty.
- Q Do you know when was he born? A Don't know.
- Q Or where? A No sir.
- Q Did he live in Mississippi in 1830? A Couldn't say.
- Q Did he claim through his father or mother? A Couldn't say.
- Q You can't go back any farther than Elisha F. Tubb? A No sir.
- Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830? A Couldn't say.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A Don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1836? A Couldn't say, no sir.

James D. Reed--4.

- Q Did any of them own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them own or claim any land under any other article of that treaty, or under the supplement of that treaty?
- A I don't know.
- Q Did any of your Choctaw ancestors claim under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A Don't know.

Article fourteen of the treaty of 1830, which was put into that treaty for the especial benefit of the Choctaw Indians who stayed in Mississippi after the treaty of 1830 was ratified, provided: That if they wished to take advantage of the articles of that treaty they would be required to go to the United States Indian Agent within six months from the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States.

- Q Do you know if any of your Choctaw ancestors did that?
- A No sir.

A good many Indians went before this Indian Agent and registered, or tried to, whose names he failed to put upon his list known as Ward's Register. On account of this failure a good many Indians who had land in Mississippi upon which they had improvements, had both land and improvements taken from them by the government and sold at its public land sale. This caused so many complaints among the Indians that Congress in 1837, when appealed to, appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, and this Commission also heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your ancestors of Choctaw Indians go before either of these two Commissions and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

The Act of Congress approved August 23, 1842, provided: That if any Indian proved his claim under article fourteen, and if it also appeared that his land had been taken from him by the government and sold, that he should be entitled to select land either in Mississippi, Louisiana, Alabama or Arkansas to be taken from vacant government land, and that a certificate to that effect be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A Not that I knew of.
- Q Can you give the names of relatives of yours who claim through this same common ancestor, who have appeared before this Commission to be identified as Mississippi Choctaws? A Mollie I. Sawyer.
- Q That is Mary I., is it not? A Yes sir. Mattie A. T. Johnson,

James D. Read--5.

Caleb G. Tubb---

- Q George A. Tubb? A George A. Tubb, James F., Robert E. Terry, Samantha Terry.
- Q And others, are they? A Yes sir.
- Q Do you want to have the testimony of your relatives considered with yours where you all claim through the same common ancestor, in order that one may have the advantage of what the other testifies? A Yes sir.
- Q Have you any evidence you want to present now, or witnesses you want to call before the Commission? A No sir, not at present.
- Q Is there anything more you want to state in support of this claim? A No sir.
- Q Would you like time in which to present other evidence or testimony? A Yes sir.

Reasonable time will be allowed this applicant in which to produce witnesses to testify in his case, or to take depositions of witnesses in support of this application.

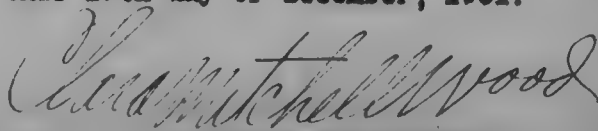
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, ruddy complexion, blue eyes, brown hair; he has no knowledge of the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

-----

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 11th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

Subscribed and sworn to before me this 13th day of December, 1901.

  
\_\_\_\_\_  
Notary Public.

Miss. Choctaw 4341

Muskogee, Indian Territory, September 26, 1902.

J. D. Reed,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 21, inclosing certificate of the Clerk of Leon County, Texas, to the destruction of the marriage records of that county in 1885, and the affidavit of Dave Reed to the marriage, in Leon County, Texas, June 15, 1876, between J. D. Reed and Miss J. K. Montgomery, and these papers have been filed with the record in the matter of your application for the identification of yourself and your minor children as Mississippi Choctaws.

You ask whether your nephew, who is of age, and has four orphan brothers and sisters whom he has supported since their parents' death, will be permitted to represent them before the Commission without guardianship papers. In reply to your inquiry you are informed that the nephew of whom you speak will be permitted to make application before this Commission for the identification of his minor brothers and sisters as Mississippi Choctaws without letters of guardianship.

Respectfully,

Acting Chairman.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

**M.C.R. 4341**

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

James D. Reed,

Mangum, Oklahoma.

*Remailed. Arkansas I. I. June 3. 1903.*

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearste, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Mattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva



R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Ityiene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clottee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGN)

*Tomo Dine.*

Registered.

Chairman.

COMMISSIONERS:  
TAMM DIXEY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.  
—  
WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

11008.

REFER IN REPLY TO THE FOLLOWING:
M.C.R 4341

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 1, 1905.

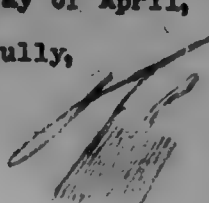
James D. Reed,

Mangum, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,



Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

SEP 1902



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

SEP 1902



State of Texas } I J. F. Johnson, County Clerk  
County of Leon } in and for Leon County  
Texas, do hereby certify that in the month  
of November A.D. 1885 the court at Centreville  
Leon County Texas was destroyed by fire  
and that all marriage records up to that  
date were destroyed in said fire. In  
testimony whereof witness my hand  
and seal this 19th. day of August A.D.  
1902.

J. F. Johnson  
County Clerk, Leon County, Texas.  
By S. R. Craig, Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

SEP 26 1902



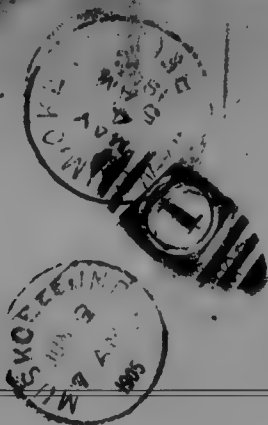
ACTING CHAIRMAN.

The State of Texas } Before the undersigned  
Leon County } I Authority on this day  
personally appeared Dore  
Reed-Hammon to me, and after being by  
me duly sworn on oath depose and  
swear - That he and J. D. Reed married  
to Miss J. E. Montgomery in Leon County  
Texas June 15th/1876.

Dave Reed

Subscribed and sworn  
to before me this Sept 15th/1902.

W. C. Lane. J. P. Tex office is  
Notary Public, Leon County Tex



7370  
JUN 10 1905  
NEW YORK



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



4341

~~James D. Reed,~~

~~Wangum, Oklahoma~~

Date

DEC 11 1901

Name James H. Reed

Age 52 Blood Int. 1/16

Post Office, Mangum, Okla

Father: Thomas W. Reed, d

Mother: Susan E. " d

Claims through Mother  
wife - Ella J. Reed, w. l.  
No claim for wife.

Children:

Frank R. Reed. 19

Kerbert H. " 6

Claims for self &  
Children

Enographer A. G. M. C. Millan.

Choctaw MCR 4342

David Reed

See MCR 762

MCR 4342

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 11, 1901.

#4542

-----000-----

In the matter of the application of David Reed for the identification as Mississippi Choctaws of himself and his two minor children, Thomas H. Reed and Katie Reed.

Applicant represented by DeGraffenreid & Beriggs, attorneys.

David Reed, being first duly sworn, on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A David Reed.  
Q What is your age? A Thirty-eight years.  
Q What is your post office address? A Oakwoods, Leon County, Texas.  
Q Have you always lived in Texas? A Well, no sir---I have lived there always you might say---never lived out of the state a year at a time.  
Q Where were you born? A Texas, Leon County.  
Q How long have you lived in Leon County? A Lived there all my life with the exception of six months sometimes at a time.  
Q Did you ever give up your residence in Texas? A Yes sir, I have moved out to stay but moved back again. Never stayed away ever six months.  
Q How long have you lived in Leon County for the past few years?  
A This year I went out and stayed about six months and went back the 10th of June. Six months is the longest I have ever been out of the county or state.  
Q What is your father's name? A Thomas W. Reed.  
Q Is he living? A No sir.  
Q What is your mother's name? A Susan H. Reed. Susan E. Tubb before she was married.  
Q Is she living? A No sir.  
Q You claim Choctaw blood through which parent? A The mother.  
Q How much Choctaw blood do you claim? A About one-sixteenth, I guess.  
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A If she has I never did know it.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Well I have been married three times.  
Q Have you children by all of them? A Yes sir.

David Reed--2.

- Q All under age and unmarried? A All under age.  
Q And by three different wives? A Yes sir, well there is only two different wives to be counted. The child by the last wife is dead. That wouldn't cut any figure.  
Q What is your first wife's name? A Love B. Reed.  
Q Is she living? A No sir, she's dead.  
Q Was she a white woman? A Yes sir.  
Q What's the name of your second wife? A Nellie Reed.  
Q How do you spell it? A N-e-l-l-i-e Reed.  
Q Is she dead? A Yes sir.  
Q Was she a white woman? A Yes sir.  
Q What is the name of your third wife? A Alice V. Reed.  
Q Have you any children by her? A No.  
Q Is she living? A Yes sir.  
Q And a white woman? A Yes sir.  
Q When and where were you married to your first wife? A In Leon County, Texas, June 16, 1887.  
Q By a minister and under a license? A Yes.  
Q Have you any children by this wife? A I have two--one dead and one living.  
Q Give the name of this child living by your first wife?  
A Thomas N.  
Q How old is he? A He's twelve years old.  
Q That is the only child by that wife living? A Yes sir.  
Q Have you any children by your second wife? A One.  
Q What is the name of that child? A Katie.  
Q How old? A Four.  
Q Nellie is the mother of this child? A Yes sir.  
Q Have you any other children by this wife? A No sir.  
Q Have you any children by your third wife? A Not living.  
Q Have you your marriage license and certificate of your marriage with your first wife? A No sir.  
Q Have you your marriage license and certificate of your marriage with your second wife? A No sir.  
Q Have you your marriage license and certificate of your marriage with your third wife? A No sir.  
Q Could you produce these certificates if given reasonable time?  
A I guess so.

Reasonable time will be allowed in which for you to do so. The marriage license and certificate of your marriage with the third wife is not of any special importance because there is no children by that marriage.

- Q You claim for yourself and two children do you? A Yes sir.  
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?  
A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities or the United States authorities in Indian Territory?  
A I have not.  
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

(3)

- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever before this time tried to become enrolled with your children as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Do you now come before this Commission for the purpose of being identified and for the identification of these two children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Well, I don't know as I do thoroughly. I heard you tell these others too. I guess I-----

The treaty of 1830 was made between the United States government and the Choctaw Indians who lived in Mississippi and Alabama in the old Choctaw Nation in 1830. It was made for the purpose of the removal of all of these Indians from that Nation to the Choctaw Nation in Indian Territory. Before it was signed it was known that a good many Choctaw Indians would not go to the Choctaw Nation in Indian Territory, and in order to protect their interests article fourteen was put in to the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You think you understand that now? A Yes sir, I guess so.
- Q Did any of your Choctaw ancestors comply with the provisions contained in that article? A If they ever did I didn't know it.
- Q Through whom do you claim the right to be identified as a Mississippi Choctaw? A My mother.
- Q Away back; go back as far as you can for your ancestors?
- A Well, my grandfather as far as I know. Mother died when I was two years old.
- Q What was his name? A Elisha F. Tubb.
- Q How old would he be if living now? A I couldn't tell you.
- Q Did he live in Mississippi in 1830? A Well I have been told that. I don't know whether he did or not. I was born in Texas.

(4)

My mother and father died when I was quite young. I don't remember anything of them.

- Q Is it a matter of family history and tradition that Elisha F. Tubb lived in Mississippi in 1830, handed down in your family?  
A Always been told that.  
Q Can you tell by whom in the family you were told that?  
A Well my sister and brother J. D. Reed and the connection.  
Q Did he have a family there at that time? A Couldn't answer that.  
Q Do you know whether he claimed through father or mother?  
A Father I guess.  
Q What was his father's name? A Couldn't answer.  
Q Did Elisha F. Tubb have a Choctaw Indian name or speak the Choctaw language? A I don't know.  
Q Did he or any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830? A Don't know.  
Q Well did any of your Choctaw ancestors go from the old Choctaw Nation to the new Choctaw Nation, as it was called at that time "new", with the other Indians between 1833 and 1838?  
A Don't know.  
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States?  
A Don't know.  
Q Did any of your ancestors of Choctaw Indians claim rights or benefits or any land under article fourteen of the treaty of 1830? A Don't know.  
Q Did they claim land or benefits under any other article than article fourteen of that treaty? A Don't know.  
Q Or the supplement of that treaty? A I don't know.  
Q Did any of your Choctaw ancestors claim under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A Don't know that.

The Indians who remained in Mississippi in 1831, after the treaty of 1830 was ratified, were required, if they desired to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty and tell him they intended to stay in Mississippi, take land there and become citizens of the United States. In other words, it was necessary for them to register with him that intention and place their names on his list. Colonel Ward neglected to put all the names of these persons on his register, and the result was that in a short time following the ratification of the treaty of 1830, a great many Indians who had land in Mississippi had both land and the improvements upon it taken from them by the government and sold. This caused so many complaints amongst the Choctaw Indians that in 1837 a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. Both of these Commissions heard claimants under that article of that treaty, and made lists of the names of all that appeared before them.

(5)

- Q Did any of your Choctaw ancestors go before either the Commission of 1837 or 1842, claiming benefits under article fourteen of the treaty of 1830? A If they did, I didn't know of it.
- Q Did you ever hear that any of your Choctaw ancestors received scrip of certificates from the United States government which authorized them to select land in Mississippi, Louisiana, Alabama or Arkansas? A I did not.

This scrip was given to those Indians who proved their rights under article fourteen and also proved that they had land in Mississippi which the government had taken from them.

- Q Do you know the names of any of your relatives who have appeared before the Commission to be identified as Mississippi Choctaws?
- A Do I know their names?
- Q Yes, can you give the names? Please give the names of those who claim through the same common ancestor as you do?
- A Caleb G. Tubb, J. F. Tubb, George A. Tubb, J. D. Reed, Mary I. Sawyer, Mattie A. T. Johnson and Lula Hearte.
- Q Do you want to have the testimony of these ~~persons~~ who claim through the same common ancestor with you taken into consideration with yours and others also who claim through the same ancestor in order that one may get the benefit of the testimony of the other? A Yes sir.
- Q Have you any evidence that you want to produce now or witnesses you want to call? A None.
- Q Do you want time in which to present proper testimony?
- A Yes sir.

Reasonable time will be allowed this applicant in which to offer testimony or evidence in support of this application; also time for the taking of depositions of witnesses if he desires.


- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has medium dark complexion, blue eyes, medium brown hair, and dark reddish mustache. He does not understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

-----

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause.

Subscribed and sworn to before me this 13th day of December, 1901.

  
Notary Public.



Muskogee, Indian Territory, March 28, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing certified copy of marriage license and certificate between Dave Reed and Nellie Rawls offered in support of the application made by Dave Reed for the identification of himself and minor children as Mississippi Choctaws. The same will be forwarded to the Secretary of the Interior with the record in the consolidated Mississippi Choctaw case of Lafayette E. Ikard, et al.

Respectfully,

Chairman.

## COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4342

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

David Reed,

Oakwoods, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotie Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Anzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hattie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Chairman.

W. O. R. 1342

Muskogee, Indian Territory, May 1, 1905.

David Reed,

Oakwood, Texas.

Dear Sir:

You are hereby notified that on the 15th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette M. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

Identification as a Mississippi Choctaw.

Date

DEC. 11 1901

Name David Reed.

Age 38 Blood 1/16

Post Office, Oakwoods, Texas,

Father: Thomas W. Reed d.

Mother: Susan E. " d

Claims through Mother

(1), Love B. Reed, d w.

(2), Melie Reed, d w.

(3), Alice V. Reed (L) w.

Children:

Thomas W. Reed. 12  
Mother is No (1).

Katie Reed 4  
Mother is No (2)

No children by 3rd  
wife.

Claims for self &  
children

Enographer A. S. McMillan.



Choctaw MCR 4343

Daniel W. Tubb

See MCR 762

MCR 4343

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 11, 1901.

#4343.

In the matter of the application of Daniel W. Tubb for identification as a Mississippi Choctaw.

Applicant represented by Degraffenried and Scruggs, Attorneys.

Daniel W. Tubb, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Daniel W. Tubb.  
Q What is your age? A Forty-seven.  
Q What is your post office address? A Oakwood.  
Q O-a-k-? A -w-ee-d. Oakwood, Texas.  
Q Is there an "s" on woods? A Either one. It's mostly spelled with an "s".  
Q Have you always lived in Texas? A Yes sir, since I moved there.  
Q Where were you born? A Born in Mississippi.  
Q In what place in Mississippi? A In Neshubbe County.  
Q How old were you when you left Mississippi? A I was young. I was somewhere between two and four years old.  
Q And since then you have always lived in the state of Texas? A Yes sir.  
Q In what place in Texas principally? A In Leon County.  
Q What is your father's name? A George W. Tubb.  
Q Is he living? A No sir.  
Q What is your mother's name? A Martha A.  
Q Martha A.? A Yes sir.  
Q Living? A No sir.  
Q Do you claim through your mother? A No sir, father.  
Q How much Choctaw blood do you claim? A Why, we only-----we claim just what the Ikards do.  
Q Don't know? A No, you might say I don't know.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not to my knowledge.  
Q Can you tell when and where your father and mother were married? A No sir.  
Q Can you produce the proof of that marriage later if given time? A Yes sir.

(2).

- Q Reasonable time will be allowed. A Yes sir.
- Q Are you married? A Yes sir.
- Q Do you claim for your wife? A Does which?
- Q Do you claim for your wife? A No sir-----for my wife?
- Q Yes. A No.
- Q Is she a white woman? A No I don't claim anything for her, yes-sir, she's white.
- Q What is her name? A Mary, or Vellie.
- Q Mary Tubb? A Yes sir.
- Q You make no claim for her then do you? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities in the Indian Territory? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation-----A No sir-----by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896.
- Q Have you ever made application to the Dawes Commission for citizenship in the Choctaw Nation under that act of Congress of June 10, 1896? A No sir.
- Q Have you ever made application for citizenship to the Commission to the Five Civilized Tribes? A No sir.
- Q Do you now come before the Commission for the purpose of identifying yourself as a Mississippi Choctaw under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that Treaty? A I think I do.
- Q Do you want to have it explained to you or not? A No sir, I think I understand it. It was explained by my attorneys before I came here.
- Q You understand it fully do you? A I think I do.
- Q The XIV Article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the Parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

(3).

- Q Did any of your ancestors comply with the provisions of that article as read and explained? A Not that I know of.
- Q You understand that now don't you, Mr. Tubb? A I think so, yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My ancestor? My father.
- Q Go away back as far as you can. A Well, I couldn't give the name of my grandfather. I don't know.
- Q Well, is it Tubb you claim through? A It's Tubb, yes sir.
- Q Do you claim through Elisha F. Tubb? A No sir, through George.
- Q George what? A George W.
- Q That's your father? A Yes sir.
- Q George W. Tubb? A George W. and Elisha F. was brothers.
- Q You don't know anything about their father? A No sir.
- Q Or whether they claimed through the father? A I couldn't tell you.
- Q How much Choctaw blood did your father have? A I don't know.
- Q Did he live in Mississippi? A Yes sir.
- Q Was he born there? A I think not. I couldn't say.
- Q Did he have a family there in 1830? A No sir, he was only twelve years old.
- Q Did he live there in 1830? A He lived in either Mississippi or Alabama, I think-----am pretty sure.
- Q Did he have a Choctaw Indian name or speak the Choctaw language? A I couldn't say.
- Q You can't go back further for your Choctaw blood than your father? A No sir, not at this time.
- Q You think you can later if you are given time to introduce evidence? A From what I have heard and all, I think I can.
- Q How old would your father be if living now? A He was born in 188 1818.
- Q He was born in 1818? A Be eighty-four.
- Q In Mississippi or Alabama? A No, I think it was Alabama. I am not sure about either one.
- Q And did he afterwards remove to Mississippi from Alabama? A Yes sir, he was married in Mississippi.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I couldn't say.
- Q Did any of your Choctaw ancestors within six months from the ratification of the Treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi and take land there? A I couldn't tell you.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians? A I don't know.
- Q Did any of them claim any land in Mississippi under Article XIV of the Treaty of 1830? A Couldn't answer that either.
- Q Did any of them claim under any other article of that Treaty? A I don't know.
- Q Or under the supplement of that Treaty? A I don't know.
- Q Do you know whether any of your ancestors claimed through any other Treaty made between the United States Government and the Choctaw Indians, than the Treaty of 1830? A I do not.
- Q In 1837 Congress appointed a Commission to go to Mississippi and hear claimants under Article XIV of the Treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. Both of these Commissions were appointed because a great many claimants in Mississippi, said that they had gone before Ward and registered their names under the provisions of Article XIV of the

(4).

Treaty of 1830, and that they had gone there within six months from the ratification of that Treaty, but that Colonel Ward had not put their names down on his list known as Ward's Register. As a result many of them had land in Mississippi which the Government took away from them. Now do you know whether any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842, and claimed benefits under Article XIV of that Treaty? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the government of the United States as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not to my knowledge.

Q This scrip was given to those who proved their rights under Article XIV and who also proved that they had had land which the Government took from them in Mississippi. Who is Mary I. Sawyer---- how related to you? A Mary I. Sawyer is a sister.

Q Mattie A. T. Johnson? A Niece.

Q Lula P. Hearte? A She's a cousin.

Q Samantha F. Terry? A She's a cousin.

Q George A. Tubb? A Cousin.

Q Carey G. Tubb? A Cousin.

Q And others? A Yes sir.

Q Are these relatives of yours? A Is which.

Q Are these relatives of yours? A Yes sir.

Q Do they all claim through the same ancestor? A Yes sir.

Q Do you want to have their testimony considered with yours, or have all taken into consideration together? A Yes sir.

Q Have you any evidence or other testimony you want to introduce now? A The Ikards.

Q Have you any testimony or evidence you want to introduce now? A No, sir.

Q The Ikard family also claim through the same ancestor do they? A Yes sir.

Q Do you want their testimony considered with yours too? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish additional testimony or the depositions of witnesses if he desires.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything more you want to say? A Nothing more at this time.

This Applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion, dark gray eyes, and black hair; dark brown moustaches. He does not understand the Choctaw language and had no knowledge of a compliance on the part of his ancestors with the provisions of Article XIV of the Treaty of 1830.

-----:-----

(8).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 24 day of January, 1902.

*Hal Belford*  
*Charles H. [illegible]*  
Notary Public.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE  
W. F. STANLEY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4343

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Daniel W. Tubb,

Oakwoods, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

William E. Stainback	M. C. R. 4831
Thômas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva



R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amina Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Fame Dixby.*

Chairman.

Registered.

M.C.R. 4348.

Muskogee, Indian Territory, May 1, 1905.

Daniel W. Tubb,

Oakwood, Oklahoma.

Dear Sir:

You are hereby notified that on the 19th day of April 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification of Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date DEC 11 1901

Name Samuel W. Tubb

Age 47 Blood Don't Know.

Post Office, Oakwoods, Texas

Father: George W. Tubb, d

Mother: Martha A. . . d

Claims through father -  
 wife, Mary Tubb. w.  
 No claim for wife.

Children:

Claims for self.

Stenographer Hal Bedford

Choctaw MCR 4344

Lucius J. Tubb

See MCR 762

MCR 4344

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, December 11, 1901.

#4344.

In the matter of the application of Lucius J. Tubb for the identification of himself and his two minor children, Luther T., and George W. Tubb, as Mississippi Choctaws.

Applicant represented by Degraffenried & Seruggs, Attorneys.

Lucius J. Tubb, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Lucius J. Tubb. L-u-c-i-u-s .  
Q L-u-c-i-u-s ? A Yes sir.  
Q J.? A J.  
Q T-u-bb , is it? A T-u-bb , yes sir.  
Q What is your age? A Forty-nine.  
Q What is your post office address? A Oakwood, Texas.  
Q How long have you lived in Texas? A I have lived there about forty-five year. Moved there in the Fall of '57.  
Q You have lived in Texas since you left Mississippi? A Since I left Mississippi, yes.  
Q Where were you born, in Mississippi? What place? A Hoxubbe County.  
Q Have you lived principally in the same place all the time in Texas? A Yes sir.  
Q What County? A Leon.  
Q What is your father's name? A George W. Tubb.  
Q Is he living? A No sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Martha Ann. Martha A. Tubb.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much blood do you claim? A Well, I couldn't tell you exactly how much.  
Q Don't know? A No sir.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.  
Q When were your father and mother married if you can tell? A No sir, I couldn't tell positively.

(2).

- Q Do you think you could prove their marriage if you were given reasonable time? A Yes sir.
- Q Reasonable time will be allowed you to do that. Are you married? A Yes sir.
- Q What is your wife's name? A Mary E. Tubb.
- Q Is she a white woman? A Yes sir.
- Q Living? A Yes sir.
- Q Do you make any claim for her? A No sir.
- Q Give me the name of your oldest child for whom you wish to make application? A Luther.
- Q L-u-t-h-e-r, boy? A Yes sir, Luther T. Tubb, it is.
- Q How old is he? A Six years old.
- Q Give me the name of the next? A George W. I named him for my father.
- Q How old? A Two.
- Q The next? A That's all.
- Q Have you only two children? A That's all living, yes sir.
- Q Is Mary E. Tubb the mother of these two children? A Yes sir.
- Q Was she ever married before she married you? A No sir.
- Q Were you ever married before you married her? A No sir.
- Q You claim for yourself and these two children do you? A Yes sir.
- Q When and where were you married to your wife, Mary E. Tubb? A We was married in Milan County, Texas, September, '82.
- Q Were you married by a minister under a license? A Yes sir.
- Q Have you your marriage license and certificate with you? A No sir.
- Q Do you think you can produce it later? A Yes sir, I guess so.
- Q Reasonable time will be allowed for you to do so. Is your name or the name of your oldest son on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of, no sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your oldest son, by the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever been admitted with your oldest son to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever made application for yourself and your oldest son to the Commission to the Five Civilized Tribes under that act? A No sir, I havn't.
- Q Did you ever make application for citizenship to the Choctaw tribal authorities for yourself and son? A No sir.
- Q Have you and your son ever been admitted as citizens of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever before this time attempted to become enrolled or attempted to get your child enrolled as Choctaw Indians-----A No sir-----by any authority whatever? A No sir.
- Q Do you now come before the Commission for the purpose of being identified and for the identification of your son as Mississippi Choctaws claiming under Article XIV of the Treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Well, no, only what I have heard you read it here. I suppose about as well as I would after you got through reading it the second time.
- Q Do you want to have it further explained to you or not? A I don't think it's worth while.

(3).

Q You waive that do you? A Yes sir.

Q That XIV Article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be enrirtled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that Article? A I think I do, yes sir.

Q Do you know whether any of your ancestors complied with its provisions or attempted to in any way? A No sir, I do not.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A George W. Tubb.

Q Did he live in Mississippi in 1830? A Well, I wouldn't be positive whether he did or not.

Q How much Choctaw blood did he have do you know? A No sir, I don't know.

Q Did he claim through his father or mother? A His father.

Q What was his father's name? A I do not know.

Q Do you know the name of any of your Choctaw ancestors who lived in the old Choctaw Nation in Mississippi in 1830, and who had a family there at that time-----was the head of a family there?

A No sir, not right now, without looking up some papers.

Q Did George W. Tubb have an Indian name or speak the Choctaw language? A No sir, I don't know about his name. He never spoke the language. If he did I never heard him.

Q How old would he be if living now? A Why, he was born in 1818. That would make him eighty-four wouldn't it?

Q Eighty-four. He was born in Mississippi? A I think he was, I wouldn't be positive about that.

Q You don't know whether he was born in Mississippi or not? A No sir, I don't know whether he was born in Mississippi or Alabama.

Q Was he born in one place or the other? A Yes sir, I am pretty certain he was, but then I couldn't say positively. I never heard him say.

Q Do you know whether he was a recognized member of the Choctaw



(4).

Tribe of Indians in Mississippi or Alabama in 1830? A No sir, I do not.

Q Did he or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I couldn't tell you that.

Q What? A I couldn't tell you that-----not right now.

Q Did any of your Choctaw ancestors within six months after the ratification of the Treaty of 1830, go to the United States Indian Agent and signify their intention to him to stay in Mississippi, take land there and become citizens of the United States? A Couldn't answer that question.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory, between 1833 and 1838, or '40? A I don't know.

Q Did any of your Choctaw ancestors claim-----did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under Article XIV of the Treaty of 1830? A I don't know sir whether they did or not.

Q Did any of your Choctaw ancestors own or claim any land under any provision-----under any other Article of the Treaty of 1830 than Article XIV or under the supplement of that Treaty, in Mississippi or Alabama? A I couldn't answer that. I don't know sir.

Q The Choctaw Indians who lived in Mississippi-----stayed there after the treaty of 1830 was ratified in order to take advantage of Article XIV of that Treaty, were obliged to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the Treaty and tell him that they intended to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whom----whose names Colonel Ward failed to put down upon his list known as Ward's register. This caused a great many complaints among the Choctaw Indians, especially among those who had had land taken from them so that in 1837 congress appointed a commission which Commission went to the State of Mississippi and heard claimants Under Article XIV of the Treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under Article XIV of the Treaty of 1830. Noth of these Commissions made lists of the names of all Choctaw Indians who appeared before each one of them respectively. Did any of your Choctaw ancestors appear before either the Commission of 1837 or the Commission of 1842 and claim benefits under Article XIV of that Treaty? A I don't know sir whether they did or not.

Q Did any of your Choctaw ancestors receive any scrip from the United States Government as Choctaw Indians which scrip or certificate entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

Q This scrip was given to those Choctaw Indians who not only proved their rights under Article XIV, but also proved that they had had land taken from them in Mississippi by the Government and sold. you don't know if any of your Choctaw ancestors received any such scrip do you? A No sir, I do not.

Q Can you give the names of some of your relatives who have appeared here before this Commission to be identified as Mississippi Choctaws? A Yes sir, I guess so.

Q Just give them please? A Mollie I. Sawyer. I believe you have got it Mary, probably. Mattie Johnson.

Q Mattie A. T. Johnson? A Mattie A. T. Johnson, C. G. Tubb, G. W. Tubb.

(5).

- Q Caleb G. Tubb? A Caleb G. Tubb.  
Q George A. Tubb? A Yes sir.  
Q Samantha E. Terry? A She's a relative, yes sir.  
Q Lula P. Hearte? A Hearte, yes sir.  
Q Robert E. Terry? A Yes sir.  
Q James F. Tubb? A Yes sir.  
Q Are these all relatives of yours? A All relatives, yes sir.  
Q And others I suppose whose names have not been given? A Yes sir.  
Q Do you want to have their testimony considered with yours? A Yes sir.  
Q You all claim through the same common ancestor do you not? A Yes sir.  
Q There is also the Ikard family who have appeared here have they not? A Yes sir.  
Q Their cases will all be considered with yours. Do you understand or speak the Choctaw language? A No sir.  
Q Have you any witnesses that you want to call before the Commission or any evidence or proof that you want to submit now? A No sir.  
Q Would you like time in which to furnish it? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce witnesses before the Commission or to take depositions of witnesses if he desires, in support of this application.

- Q Is there anything more you want to say now in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion, blue eyes, brown hair; whiskers and moustaches lighter than his hair. He does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 11, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 25 day of January, 1902.

*Hal Belford*  
*Clara Mitchell*

Notary Public.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE,  
W. E. STANLEY

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4344

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Lucius J. Tubb,

Oakwoods, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
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Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
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William S. Ikard, et al.	M. C. R. 5718
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Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
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Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
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Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethelama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Bureson, R. D. Bureson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*Tame Dixby.*

Registered.

Chairman.

Muskogee, Indian Territory, May 1, 1905.

Lucius J. Tubb,

Oakwoods, Texas.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1905.

Respectfully,

Chairman



For Identification as a Mississippi Choctaw.

Date

DEC. 11 1901

Name Lucius J. Tubb,

Age 49 — Blood Don't know

Post Office, Oakwoods, Texas,

Father: George W. Tubb, d

Mother: Martha A " d

Claims through father  
 wife, Mary E. Tubb, w. (d)  
 No claim for wife.

Children:

↑  
 Luther Tubb 6  
 George W. Tubb 2

Claims for self  
 and children

Stenographer

Hae Belford

Choctaw MCR 4345

Mary Williams

See MCR 4346

MCR 4345

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary Williams, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of -

Mary Williams, et al.,  
James Williams, et al.,

M.C.R. 4345  
" 4346

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the record in the case of Mary Williams, et al., M.C.R. 4345.

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Department of the Interior.  
Commission to the Five Civilized Tribes  
Muskogee, I. T. December 12, 1901.

4345

In the matter of the application of Mary Williams for the identification of herself as a Mississippi Choctaw and for the identification of her four minor grand-children, Tennie Williams, Albert Williams, Young Williams, and Alice Williams, as Mississippi Choctaws.

J. E. Arnold, Attorney for applicant.

Mary Williams being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Williams.  
Q What is your age? A 78.  
Q What is your post office address? A Bullard, Texas.  
Q In what county is Bullard? A Cherokee County.  
Q How long have you lived in that county? A I lived there -- I dont know, sir, exactly how long I've lived there -- been there several years.  
Q About ten years? A I been there about -- I reckon about twenty years.  
Q Where did you live before you lived there in that county? A I come from Mississippi there.  
Q You were born in Mississippi were you? A Yes sir.  
Q Where, in Mississippi? A I dont know, sir, what county it was. I was quite small.  
Q How old were you when you left Mississippi? A I was a girl about ten or twelve years old I reckon as far as I recollect.  
Q From Mississippi you went where? A I went to Virginia; my owners -- they owned my mother -- Richmond.  
Q You lived there how long? A I dont know, sir how long I lived there.  
Q And from Virginia you went where? A Cherokee County, Texas.  
Q And have been there ever since? A Yes sir.  
Q Is your father living or dead? A I dont know sir whether my father's living or not.  
Q What is his name? A Billy Whitehead.  
Q Is your mother living? A Not that I know of.  
Q Did you say she was dead? A I say I dont know sir whether she is living or not.  
Q What is her name? A Rachael Whitehead.  
Q Through which parent do you claim Choctaw blood? A My father was full-blood Choctaw; my mother was a quarter.  
Q You claim through both parents? A Yes sir; both sides.  
Q How much Choctaw blood do you claim? A Over one-half; about three-fourths I reckon.  
Qv You say your father was a full blood? A Yes sir.  
Q And your mother was how much? A Quarter.  
Q Your father was living during the war; you remember the war in  
1861. A Yes sir.

Mary Williams---2.

- Q Was he living then and before that time? A Yes sir.
- Q Was he ever a slave? A No sir.
- Q Was your mother a slave? A Yes sir my mother was a slave.
- Q What was her master's name, do you recollect? A Hameek.
- Q Where was she a slave? A She was carried from Mississippi to Virginia -- Richmond Virginia.
- Q If your father was, as you say, a full-blood Indian, you taking your Choctaw blood from him would be one-half of that would'nt you? A Yes sir.
- Q You would be one-half from your father? A Yes sir.
- Q If your mother was a quarter Choctaw blood you would take half of that which would be one-eighth would it not? You dont understand adding fractions do you? A No sir.
- Q But if you are right about your father being a full-blood and your mother being quarter-blood, you would be one-half from your father and one-eighth from your mother and then adding those two fractions together it would make five-eighths which would be the quantity of blood that you would claim?
- A Yes sir.
- Q You want that changed made so that your claim can be made to five-eighths? A Yes sir.
- Q Are you married? A No sir; I've been married; my husband's dead.
- Q Have you any children that you want to make application for?
- A Yes sir.
- Q Under twenty-one years of age and unmarried? A I have none but grandchildren and I have them to raise; their mother and father's dead.
- Q How many children? A I have four.
- Q Are they your daughter's or your son's children? A My sons'.
- Q You are a widow? A Yes sir.
- Q How long has your husband been dead? A Fourteen years.
- Q Where did he die? A He died in Tyler Texas.
- Q What was his name? A Alfred Williams.
- Q What was his blood? A Colored--darkey.
- Q Your mother you say was one-quarter Choctaw and was the rest of her blood colored-- negree? A I dont know sir whether it was negree or not; I cant tell you that.
- Q Do you think there was any negree blood in her? A She was dark and had straight hair.
- Q She was a slave-- would'nt that indicate she had some negree blood? A. Yes sir she had some negree.
- Q How many grandchildren have you living at your home whom you are supporting and whom you wish to make application for? A Only four.
- Q What is the name of the eldest? A Tammie Williams. She's a girl.
- Q How old is she? A She aint quite eighteen years old yet.
- Q Seventeen? A Yes sir; she's about seventeen maybe not as old as that; along there somewhere.
- Q What is the name of the next grandchild? A Albert Williams.
- Q How old is Albert? A He's fourteen years old.
- Q The next? A Young Williams.
- Q How old is Young? A He's about ten years old.
- Q The next? A I cant think of the name now; I forget it now; there's four of them -- Alice -- I got it right now, Alice Williams.
- Q How old is Alice? A She's thitteen.
- Q These are your grandchildren are they; live at your home and are supported by you? A Yes sir.
- Q Are their father and mother dead? A Yes sir.
- Q Was the father your son? A Yes sir.
- Q What was his name? A John Williams -- named Breckinridge but

- they called him John.
- Q He's dead is he? A Yes sir.
- Q When did he die? A He's been dead about fourteen years.
- Q Where did he die, in Texas? A Yes sir; he died at Rusk Texas.
- Q Did John Williams have any Choctaw blood? A Only what he taken from me.
- Q How much do you claim he had? A I cant tell you -- there's his brother-- he's got about as much as his brother has.
- Q You claim five - eighths do you not? A Yes sir.
- Q And he takes his blood from you? A Yes sir.
- Q Then he would have five - sixteenths would'nt he? A Yes sir.
- Q Do these children claim any Choctaw blood from their mother?
- A Yes sir -- no sir, not the mother of the children.
- Q What was her name -- John Williams's wife's name? A. One was named Melissa Williams.
- Q She is dead? A Yes sir.
- Q What was her blood? Negroe? A Yes sir; she had some Indian in her.
- Q But you dont make any claim for that? A No sir I dont make any claim.
- Q Then you claim five-thirtyseconds for these children do you?
- A Yes sir.
- Q Was your son John Williams the father of these four grandchildren of yours? A No sir he was the father of two, and the other one was the father of the other two.
- Q Who is the father of Tommie Williams? A John Williams.
- Q Who is the father of Albert Williams? A John Williams.
- Q Who is the father of Young Williams? A I got two sons named John -- John Breekinridge -- the one you put down first was named that and the other was named John Williams.
- Q Who was the father of Alice Williams? A John Williams.
- Q Which John Williams? A The one they called Breekinridge.
- Q Then as I understand it, you had two sons named John? A Yes sir
- Q And these four children belong to the two sons; the first two children, Tommie and Albert are the children of one John Williams, and Alice and Young are the children of the other, and these two sons are dead, and their wives are dead? A Yes sir
- Q Now give me the name of the father of Tommie Williams and Albert Williams? A John B. Williams.
- Q What was the name of the mother of Tommie Williams and Alice Williams? A Adeline Williams.
- Q Is John B. Williams living or dead? A Dead.
- Q Is his wife Adeline living or dead? A Dead
- Q And these two children claim their Choctaw blood through which parent, their father or their mother? A Through their father I reckon.
- Q Through their father John B. Williams? A Yes sir.
- Q He was your own son was he not? A Yes sir.
- Q And he claimed his Choctaw blood through you? A Yes sir.
- Q Was Adeline a colored woman? A Yes sir.
- Q She had no Choctaw blood? A No sir.
- Q You claim five-eighths Choctaw blood do you? A Yes sir.
- Q And John B. Williams, your own son claims half that Choctaw blood? A Yes sir.
- Q Five-sixteenths then would be his claim? A Yes sir.
- Q Has your son John B. Williams ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory. A No sir.
- Q Have you any other grand children that you want to make application for.

- A No sir.
- Q You have two others have'nt you? A No sir I gave in four did'nt I?
- Q I have only had two so far; give me the names of the other grandchildren if you have any? A Young and Alice.
- Q Now you want to give the name of a grandchild named Young Williams do you? A Yes sir.
- Q Is Young Williams a boy or a girl? A He's a boy.
- Q How old is Young? A He's about ten years old.
- Q What is the name of the next grandchild? A Alice Williams
- Q How old is Alice? A She's about thirteen or fourteen years old, as high as I can come at it.
- Q How old -- thirteen? A Yes sir.
- Q What is the name of the father of Young Williams and Alice Williams? A John Williams. Just straight along John Williams.
- Q Is he dead? A Yes sir he's dead.
- Q What is the name of the mother of Young Williams and Alice Williams? A Melissa Williams.
- Q Is she living or dead? A I dont know whether she's dead or not; she was living the last I heard of her
- Q You dont know? A No sir I dont.
- Q Through which parent does Young Williams and Alice Williams get their Choctaw blood -- their father or mother? A Gets it from their father.
- 
- Q Is he your own son? A Yes sir.
- Q And own brother to John B. Williams? A Yes sir.
- Q You had two children named John Williams - one John B. and the other John? A Yes sir.
- Q And he claims half the Choctaw blood you claim -- five sixteenths
- A Yes sir.
- Q What was Melissa -- a colored woman? A She was a colored woman.
- Q All four of these grand children claim five thirtyseconds Choctaw blood and claim through you? A Yes sir.
- Q Were John Williams and Melissa Williams the father and mother of Young Williams and Alice Williams, ever recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q When and where did John B. Williams, the father of Tommie and Albert Williams die? A He died at Rusk Texas.
- Q What date? A I dont know sir what day of the month it was.
- Q About how long has he been dead -- ten or fifteen or twenty years -- how long? A He's been dead about fourteen years -- fifteen years -- he died before my husband did.
- Q How long has his wife Adeline been dead? A She died before he d did, and she's been dead about sixteen or seventeen years.
- Q Did she die in Texas? A Yes sir; she died in Cherokee.
- Q When and where did John Williams, the father of Young Williams and Alice Williams die? A Died at Rusk, Texas.
- Q Do you remember the date? A No sir; I dont remember the date.
- Q You say you dont know whether his wife Melissa is living or dead? A No sir I dont.
- Q Did she go away and leave her children with you? A Yes sir I taken the children.
- Q How long has she been away from these two children? A About nine or ten years.
- Q And you have had the full charge and contrroll of them since? A Yes sir.
- Q You have had the full contrroll of all four of these children since? A Yes sir.
- Q Since John B. Williams and Adeline died? A Yes sir.
- Q And since John Williams died and since Melissa went away?
- A Yes sir.
- Q You dont know where Melissa is now do you? A No sir.



Mary Williams--5.

- Q Do you know when and where John B. Williams was married to his wife Adeline? A He was married in Cherokee County -- in Cherokee.
- Q In Texas? A Yes sir.
- Q Do you remember the date? A No sir.
- Q Do you know when your son John Williams married his wife Melissa? A No sir.
- Q Where was it? A I dont know the date but I know when they married.
- Q Where were they married? A They was married in Cherokee .
- Q Texas? A Yes sir.
- Q Do you think you could produce the proof of the marriage of your son John B. Williams to his wife Adeline?, and the proof of the marriage of your son John Williams to his wife Melissa?
- A Yes sir.
- Q If you were given reasonable time? A Yes sir.
- Q Reasonable time will be allowed for that purpose.
- Q You claim for yourself and these grand children do you? A Yes sir.
- 
- Q Where are all these children now? A They are in Cherokee, Texas.
- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I dont know.
- Q They are not on the rolls are they? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and these children to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or these grandchildren or has anyone else for them to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation or have these grand children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever before this time sought to become enroled yourself or has anyone tried to have these children enroled as members of the Choctaw tribe of Indians by making application wither to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and for the identification of these grandchildren of yours as Mississippi Choctaws claiming under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q Do you know what a treaty is? A No sir.
- Q Do you know what an agreement is -- between two persons? A Yes sir.
- Q And they are sometimes put in writing , and the names of the persons making the agreement signed to it? A Yes sir.
- Q Well, a treaty is an agreement in writing -- only it is made between two or more nations instead of being made between two or more people -- they call it a treaty because this writing is between nations -- you understand now, what a treaty is? A Yes sir.
- Q An article in a treaty is just simply a part of it -- a sub-division of it; you know what a verse in a chapter in the Bible is don't you? A When I hear it called over I do.
- Q You know what I mean by a verse in the Bible? A Yes I know.
- Q It is simply a part of that chapter or a sub-division of it.



A Yes sir.

Q An article is a sub-division or part of a treaty as a verse in the Bible is a sub-division of a chapter. In the year 1830, seventy-one years ago a treaty -- a compact in writing between two nations, was made between the United States government and the Choctaw Indians. At that time the Choctaw Indians were living in Mississippi and Alabama; that treaty or agreement was made for the purpose of getting those Choctaw Indians to leave their Choctaw nation in Mississippi and Alabama and come to the Choctaw Nation, Indian Territory. That's why they made the treaty -- to get them to agree to come; but before the treaty could be signed, they found out down there that a good many of the Choctaw Indians would not come; they said "We will stay back here in Mississippi; it's good enough for us; we wont go to the Choctaw Nation Indian Territory"; so in order to protect them and their interests, this article was put into the treaty of 1830 and called article 14; that article 14 was put in there for the purpose of looking after the interests of those Choctaw Indians who stayed back there in Mississippi and Alabama. Now, article 14 is as follows:

" Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you understand that now? A Yes sir.

Q Do you know whether any of your ancestors-- I mean by ancestors grand-father, grandmother, great grand father, great grandmother ever complied with the provisions of that article of that treaty? A No sir I dont know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father.

Q What is his name? A. Billy Whitehead.

Q You dont know back to your grand father? A No sir.

Q Was he a full-blood Choctaw Indian? A Yes sir.

Q Did I understand you a little while ago to say you claimed through Rachael too - his wife? A Yes sir.

Q Now how do you know that your father was a full-blood Choctaw Indian? A Because I heard my mother and all my parents say so.

Q Did your father ever tell you he was a full blood Choctaw? A No sir he never told me that.

Q Did you ever see him? A I never saw him to remember him.

Q Do you know how he looked? A I was just four years old when they had me there; I was born in Mississippi; I cant tell you

anything about him though.

Q You dont know how he looked? A No sir.

Q Do you know whether he spoke the Choctaw language? A No sir.

Q How did your mother look? Like an Indian or a negroe? A She looked more like an Indian as well as I can remember.

Q Did she speak the Choctaw language? A Not that I know of.

Q Did your father or mother live in Mississippi? A Yes sir; they used to live in Mississippi.

Q Did they have children there -- a family? A I was born in Mississippi.

Q 78 years ago? A Yes sir.

Q Do you remember where in Mississippi you were born? A No sir I dont remember.

Q Do you know if your father and mother lived in Mississippi in 1830 and had a family of children there at that time? A No sir I dont remember that; all I can remember is what I told you.

Q Did your father or mother either own any improvements on land in Mississippi or Alabama in 1830? A No sir.

Q Did your father or mother within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States?

A I dont know sir.

Q Did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir; not that I know of.

Q Did any of your Choctaw ancestors own or claim any land or any benefits of any kind under article 14 of the treaty of 1830 in Mississippi or Alabama? A No sir not that I know of.

Q Did any of your Choctaw ancestors claim under any other article of the treaty of 1830 than article 14 or under the supplement of that treaty? A I dont know.

Q Did any of your ancestors if Choctaw Indians claim under any other treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830? A No sir not that I know of.

Q Do you know what your father's, Billy Whitehead's father's name was? A No sir.

Q Do you know what his mother's name was? A No sir.

Q Do you know what your mother's father's name was? A No sir.

Q Her mother's name? A No sir.

Q Do you know anything about your grand parents on either side?

A No sir.

Q Whether they had Choctaw blood or negroe blood or how much? A No sir I dont know.

Q The Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were compelled under the provisions of the 14th article of that treaty to go to the United States Indian Agent within six months from the ratification of the treaty of 1830 and register their names with him as Indians who desired to remain in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names were not placed upon Colonel Ward's Register known as Ward's Register and as a result of his negligence in making a proper record of the names of all that came before him, a good many Indians who had land in Mississippi and improvements on which they had improvements had both their land and improvements taken from them and sold; this caused a great many

complaints among the Choctaw Indians especially among those who lost their land and as a result of these complaints, in 1837 Congress appointed a Commission which Commission went to the state of Mississippi and heard claimants under article 14 of the treaty of 1830; in 1842 Congress appointed another Commission for the same purpose and this Commission also went to the state of Mississippi and heard claimants under article 14 of that treaty. Do you know if any of your Choctaw ancestors went before either the Commission of 1837 or 1842 and claimed any benefits or any rights under article 14 of the treaty of 1830? A No sir.

- Q The act of Congress approved August 23, 1842 provided that if any Choctaw Indian proved his claim under article 14 of the Treaty of Dancing Rabbit Creek, if it also further appeared that he had his land taken from him by the government and sold, that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given to him; these certificates were called scrip; do you know if any of your Choctaw ancestors received any such scrip from the government as Choctaw Indians? A No sir.
- Q Have you ever had any relatives who have been before this Commission to be identified as Mississippi Choctaws? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any evidence of any kind that you wish to introduce now? Have you any witnesses? A No sir.
- Q Would you like reasonable time in which to furnish other proper evidence in this case? A Yes sir.
- Q Reasonable time will be allowed this applicant in which to introduce proper testimony under the rules of the Commission of she desired to do so.
- Q Is there anything more you would like to say in support of this claim? A No sir.
- Q You claim five-eighths Choctaw blood do you? A Yes sir.
- Q Have you any white blood? A Not that I know of.
- Q The rest is negroe is it? A Yes sir.
- Q Have you been married only once? A Twice.
- Q What was your first husband's name? A Wiley Daniels; my second husband Alfred Williams.
- Q Was Wiley Daniels a negroe? A He was part Indian; had Indian in him.
- Q And he is dead now is he? A Yes sir he's dead.
- Q When did Wiley Daniels die? A He died directly after emancipation.
- Q And this son James Williams who is today making application here is your son by him? A Yes sir.

This applicant claims five-eighths Choctaw Indian blood and three eighths negroe which she derives from her mother who was a slave before the war; has the appearance and physical characteristics of being descended from mixed ancestry of Indian and negroe in which the Indian seems to predominate; she has probably the quantity or nearly the quantity of Indian blood which she claims; her hair is black, a little gray but straight and coarse; her forehead is receding and low; hair combed straight back; her eyes are black; her color is more the color of an Indian than a negroe; her features are the features of either a white woman or an Indian; she claims she has no white blood; she does not understand the Choctaw language and has no knowledge of compliance on part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 12th day of December 1901 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 6th day of January 1902.

*J. Woodson*  
*Notary Public*

J. W. L.  
C. W.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

\*\*\*\*\*

In the matter of the application of Mary Williams, et al.,  
for identification as Chickasaw Indians, consolidating the appli-  
cations of -

Mary Williams, et al.,  
James Williams, et al.,

N.O.R. 4343  
" 4344

\*\*\*\*\*

----- D E C I S I O N -----

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It appears from the record herein that applications for  
identification as Chickasaw Indians were made to this Commission  
by Mary Williams for herself and her four minor grand children, Tom-  
mie, Albert, Allen and Young Williams, and by James Williams for him-  
self and his three minor children, Albert, Albert and Neall Wil-  
liams, under the following provision of the act of Congress approved  
June 26, 1898 (30 Stat., 493):

"Said Commission shall have authority to determine the  
identity of Chickasaw Indians claiming rights in the Chickasaw  
lands under article fourteen of the treaty between the United  
States and the Chickasaw Nation, concluded September twenty-sev-  
enth, eighteen hundred and thirty, and to that end may adminis-  
ter oaths, examine witnesses and perform all other acts nec-  
essary thereto and make report to the Secretary of the Inter-  
ior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Billy Whitehead, who is alleged to have been a full blood Choctaw Indian, and Rachael Whitehead, who is alleged to have been an one-quarter blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the evidence and testimony offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Billy Whitehead, or Rachael Whitehead, or the principal applicant herein signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized

to adjudge such claims by the acts of Congress approved March 3, 1857 (5 Stats., 100) and August 30, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Williams, Tennie Williams, Albert Williams, Aline Williams, Young Williams, James Williams, Alberta Williams, Albert Williams (2) and Ruth Williams, as Cherokee Indians entitled to rights in the Cherokee Lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tams Bixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

DEC 2 1902



COPY

Muskogee, Indian Territory, December 2, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Williams, et al.,  
James Williams, et al.,

M.C.R. 4345  
M.C.R. 4346

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Williams, Tommie Williams, Albert Williams, Alice Williams, Young Williams, James Williams, Alberta Williams, Albert Williams (2) and Ewell Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said



M, MoM & C-2

time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*James Birby.*

Acting Chairman.

File

M.C.R. 4345

COPY

Muskogee, Indian Territory, December 2, 1902.

Mary Williams,  
Bullard, Texas.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Williams, et al., embracing the following applications for identification as Mississippi

Choctaws:

Mary Williams, et al.,	M.C.R. 4345
James Williams, et al.,	M.C.R. 4346

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Williams, Tommie Williams, Albert Williams, Alice Williams, Young Williams, James Williams, Alberta Williams, Albert Williams (2) and

Mary Williams-2

Ewell Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*Lamar Bixby.*

Acting Chairman.

Registered.

Muskegee, Indian Territory, December 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Williams, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 2, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission.

Mary Williams, et al.,	M.C.R. 4345
James Williams, et al.,	" 4346

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Acting Chairman.

Enc. M.C.R. 4345

Copy.

Land

75530-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the consolidated application of the following named parties: Mary Williams for herself and her four minor grand children, Tommie, Albert, Alice and Young Williams, by James Williams for himself and his three minor children, Alberta, Albert and Ewell Williams, wherein a decision adverse to the applicants was rendered by the Commission December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification on their descent from Billy Whitehead, Rachael Whitehead, parents of the principal applicant Mary Williams, it being claimed that Billy and Rachael Whitehead were citizens of the Choctaw Nation and residents in Mississippi or Alabama at the time of making the Choctaw treaty of 1830.

The Commission rejected the applicants because the ancestors through whom they claim do not appear on their records among the

- 2 -

names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that they have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Billy ~~Whitehead~~ Whitehead and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of aforesaid treaty; neither does it appear that they applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

It is therefore, respectfully recommended that the decision of the Commission rejecting the applicants, be approved.

Very respectfully,

A. C. Tonner,

C. T. C.

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

WCF,

D.C.17280

WASHINGTON, June 11, 1903.

ITD. 4726-1903.

RAF.

L. R. S.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

December 18, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary Williams and her minor grandchildren, Tommie, Albert, Alice and Young Williams; and of James Williams and his minor children, Alberta, Albert (E.), and Ewell Williams. By decision of December 2, 1902, you refused the applications.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of Billy Whitehead and Rachael Whitehead, parents of the principal applicant, Mary Williams, it being alleged that said ancestors were Choctaw Indians and residents of the Choctaw Nation in Mississippi or Alabama in 1830.

The evidence in this case and the records of the Indian Office fail to show that either of the alleged ancestors complied or attempted to comply with article 14 of the treaty of 1830, or with the acts

- 2 -

of Congress relating thereto.

Reporting May 28, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.



COPY:

Muskogee, Indian Territory, July 21, 1903.

Mansfield McMurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 11th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Williams et al., of which decision you were advised by mail on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

M. C. R. 4545.

COPY.

Muskogee, Indian Territory, July 21, 1903.

Mary Williams,

Bullard, Texas.

Dear Madam:-

You are hereby notified that on the 11th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Williams et al., of which decision you were notified by registered mail on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Muskogee, Indian Territory, July 30, 1903.

Mary Williams,  
Fort Worth, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th instant, wherein you ask to be advised relative to your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on June 11, 1903, the Secretary of the Interior approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Mary Williams, et al. The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

MCR-4345

Muskogee, Indian Territory, October 17, 1903.

Albert J. Lee,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Replying to your inquiry of the 9th instant you are advised that Mary Williams, daughter of Billy and Rachael Whitehead, appears from the records of this office to be a rejected Mississippi Choctaw claimant, her application having been determined adversely by the Commission to the Five Civilized Tribes and the Secretary of the Interior.

Respectfully,

Commissioner.

CARD No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

AGE SEX

REFER TO M. C. R. 4343

Mary Williams  
et al.

Consolidated Case

Billy Whitehead, f.t.  
wife  
Rachel Whitehead, 1/4  
negro & white

Mary Whitehead 78 5/8  
mar. negro  
O Wiley Daniels, dead  
negro & white & color  
D Alfred Williams, negro  
dead

James Williams 42 5/16  
wife  
C Emily Williams, dead  
negro  
D Sarah Williams, negro

Alberta Williams 3  
Albert Williams 10  
Ewell Williams 1/2

John Breckinridge  
Williams 5/16  
wife dead  
Adeline Williams, dead  
negro

Tommy Williams 17  
Albert Williams 1/2

John Williams 7/16  
wife dead  
Melissa Williams, negro

Young Williams 1/2  
Alice Williams 1/2

No. 4345

For Identification as a Mississippi Choctaw.

Date DEC 12 1901

Name Mary Williams

Age 78 Blood  $\frac{5}{8}$

Post Office, Bullard, Texas

Father: Billy Whitehead —

Mother: Rachael " —

Claims through both parents

Husbands

(2) Alfred Williams, negro, dead.

(1) Wiley Daniels, negro. — "

Grandchildren:

Tommy Williams, F. 17.

Albert " 14.

father: John B. Williams, (d.)  $\frac{5}{16}$

~~Grandmother~~ Mother: Adeline " (d.) negro

Young Williams, M. 10.

Alice " 13

father: John Williams, (d.)  $\frac{5}{16}$

mother: Melissa " — negro.

all 4 children claim  $\frac{5}{32}$  from  
their grand mother, Mary  
Williams —

Claims for self &  
grand children

Stenographer Clara Mitchell Wood

Copy of testimony  
in this case furnished  
O. W. Isaac Nov. 18/05

W. H.



Choctaw MCR 4346

James Williams

See MCR 4345

MCR 4346

4346.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. December 12, 1901.

In the matter of the application of James Williams for identification as a Mississippi Choctaw and for the identification of his three minor children, Alberta Williams, Albert Williams and Ewell Williams, as Mississippi Choctaws.

Applicant represented by J. E. Arnold, Attorney.

James Williams being first duly sworn testified as follows:

Examination by the Commission:

- Q. What is your name? A James Williams.  
Q What is your age? A 42  
Q What is your post office address? A Fort Worth, Texas.  
Q How long have you lived there? A I lived there about two years in Fort Worth.  
Q Where did you live before that? A Greenville, Texas  
Q How long ~~was~~ you live in Greenville? A Ten years.  
Q Where did you live before that? A Tyler Texas.  
Q Where were you born? A I dont know sir exactly.  
Q Were you born in Texas? A I suppose I was.  
Q You dont know? A No sir.  
Q Are you the son of Mary Williams? A Yes sir.  
Q Your mother is here? A Yes sir.  
Q And she knows where you were born dont she? A Yes sir.  
Q Now cant you tell right here in the presence of your mother where you were born? A No sir I dont know.  
Q Never heard where you were born? A If I did I never paid much attention to it.  
Q You never lived in Mississippi did you? A Yes sir; I go there.  
Q How long did you live in Mississippi? A I lived there a little over fourteen months, fourteen or fifteen months.  
Q All the rest of your life you lived in Texas? A No sir; I travel all the time; first one place and another -- cooking.  
Q How many years have you lived in Fort Worth? A Been there two years I suppose two years.  
Q And before that you lived where? A Greenville.  
Q In Texas? A Yes sir.  
Q How long did you live in Greenville? A Close on to ten or eleven years.  
Q Is your father living? A No sir.  
Q What was his name? A His name was Wiley Daniels.  
Q He is dead you say? A Yes sir.  
Q Was he a negro? A Yes sir; he was supposed to be a negro.  
Q Was he a slave before the war? A Yes he was a slave.  
Q What is your mother's name? A Mary Williams.  
Q She married Albert Williams did she? A Yes sir.  
Q After your father Wiley Daniels died? A Yes sir.  
Q Your mother Mary Williams has just made application to be identified as a Mississippi Choctaw has she not on this date December 12th? A Yes sir.  
Q You claim your Choctaw blood through who - your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A I dont know sir -- one-fourth.

James Williams --2.

- Q Your mother claims five-eighths -- you would claim half of that would'nt you? A Yes sir.
- Q Five -sixteenths is half of five-eighths - you claim that do you not? A Yes sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Sarah Williams.
- Q Is she living? A Yes sir.
- Q Now you say your father's name was Wiley Daniels? A Yes sir?
- Q And you go by the name of James Williams? A Yes sir I been going by Williams ever since I knowed myself.
- Q You say your mothers name is Mary Williams and your father's name Wiley Daniels? A Yes sir.
- Q You want to make application under the name of James Williams, the name you are known by? A Yes sir.
- Q What is her blood - negroe or white? A Negroe.
- Q How old is she? A She's about 26 or 28 years old.
- Q Do you make any claim for wife? A No sir.
- Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes sir - three.
- Q What is the name of the oldest? A Alberta Williams.
- Q How old is Alberta? A Alberta is thirteen years old.
- Q The next? A The next one will be eleven the 2nd day of February - ten now.
- Q But what is the name of that child? A Albert -- ten.
- Q The next? A These are my first wife's children -- two children - her name was Emily Williams.
- Q Sarah Williams is your second wife is she? A Yes sir - second wife.
- Q What was your first wife's name? A Emily Williams.
- Q Is she dead? A Yes sir.
- Q Was she a negroe? A Yes sir - said to be one-fourth Indian - I dont know.
- Q Do you make claim for her as a negroe? A Yes sir.
- Q Now is Alberta Williams and Albert Williams your children by your first wife Emily Williams? A Yes sir.
- Q Have you any other children that you wish to apply for? A Yes sir.
- Q What are their names? A His name is Ewell. Williams.
- Q Boy? A Yes sir.
- Q How old is Ewell Williams? A He's seven years -- going on eight; he will be eight years old the second day of March.
- Q Are you the father of Ewell? A Yes sir.
- Q And who is Ewell's mother? A Sarah Williams?
- Q Is she living? A Yes sir.
- Q Do these three children all claim their Choctaw blood through you? A Yes sir.
- Q And none through their mother's? A No sir.
- Q When and where were you married to your first wife, Emily Williams? A I married her in Tyler Texas.
- Q Do you remember the date? A No sir I dont.
- Q Were you married by a Minister under a license? A Yes sir.
- Q Have you your marriage license and certificate with you? A No sir I have not.
- Q Do you think you could produce it if given reasonable time? A Yes sir.
- Q When and where were you married to your second wife? A Greenville, in Texas.
- Q Do you remember the date of your marriage to her? A No sir;

- it was along in February or January; I dont know exactly.
- Q Were you married by a minister under a license? A Yes sir.
- Q Have you your marriage license and certificate of your marriage with Sarah Williams here? A No sir.
- Q Could you produce it if given time? A Yes sir
- Q You will be allowed reasonable time to produce the proof of your marriage with your first wife Emily and your second wife Sarah Williams if you desire to do so. Is your name or the names of these children any of them on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission for the first time to make application for enrollment or citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities--- A Yes sir.
- Q Or the United States authorities? A Yes sir.
- Q Do you now come before this Commission at this time for the purpose of identifying yourself and your children as Mississippi Choctaws claiming under article 14 of the treaty of 1830? A Yes sir.
- Q That is what you mean when you say you come here now for the purpose of getting your rights and your childrens' rights? A Yes sir.
- Q Do you understand article 14 of the treaty of 1830? A Do I understand it?
- Q Yes. A No sir, not exactly.
- Q The 14th article of the treaty of 1830 was put into that treaty for the special benefit of the Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified; that treaty of 1830 was sometimes called the treaty of Dancing Rabbit Creek because it was made at a place by that name in the state of Mississippi on the 27th day of September 1830. It was ratified afterwards on the 24th day of February 1831; that treaty was made for the special purpose of the removal of the Choctaw Indians who lived in Mississippi and Alabama to the Choctaw Nation Indian Territory but before it was signed - before it became ratified, it was discovered that a great many Indians would not go to the Choctaw Nation in the Indian Territory and in order to protect their interests, article 14 was put into the treaty; that article is as follows:

\* Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity

for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon saidlands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article 14 of that treaty? A No sir.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified? A Mary Williams.
- Q That is your mother isn't it A Yes sir.
- Q What was her father's name? A Billy Whitehead.
- Q You claim through him -- do you know? A I claim through mother
- Q And she claims through her father Billy Whitehead? A Yes sir.
- Q How much Choctaw blood did Billy Whitehead have? A I've always heard he was a full blood.
- Q Who told you - your mother? A Yes sir.
- Q How much did his wife have? A I dont know sir.
- Q Did you ever hear that Rachael had any Choctaw blood? A Yes sir one quarter or one half one ; I dont remember now.
- Q Do you know whether Billy Whitehead or his wife Rachael either of the m had Choctaw Indian names? A No sir I dont.
- Q Did either of them speak the Choctaw language? A I dont know sir.
- Q Did either of them live in Mississippi? A I 've always heard they did.
- Q Did they live there in 1830 and have children there at that time A I dont know sir.
- Q Do you know when Billy Whitehead was born or when he died? A No sir.
- Q Do you know when his wife Rachael was born? A No sir.
- Q Do you know when she died? A No sir
- Q Do you know where either of them were born? A No sir I dont.
- Q How old would Billy Whitehead be if living now? A Well sir ; he'd be pretty old; I cant tell you exactly; according to my mother's age --
- Q How old would his wife Rachael be if living now? A She would be pretty old too.
- Q How old is your mother ? A 78 years old is what she says.
- Q Was she born in Mississippi? A Yes sir.
- Q Do you know where in Mississippi? A I think it's in Jackson, Mississippi; I think it is -- some of those places-- I dont know exactly .
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.

- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation Indian Territory between 1833 and 1836? A I don't know sir.
- Q Did any of your ancestors if Choctaw Indians claim or receive any land in Mississippi or Alabama under article 14 of the treaty of 1830? A Not that I know of.
- Q Did they ever claim or receive any land or benefits of any kind under any other article of the treaty of 1830 than article 14 or under the supplement of that treaty? A No sir.
- Q Did any of your Choctaw ancestors claim any rights, benefits or privileges under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir.
- Q The Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required by the provisions of article 14 of the treaty of 1830 if they wanted to take advantage of that article to go to the United States Indian Agent, Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians did that whose names Colonel Ward failed to put upon his list known as Ward's register; they made their applications under article 14 of the treaty of 1830 but although they did make application under the provisions of that article Colonel Ward failed to put their names on his list; this caused a great many Indians who had land in Mississippi and Alabama on which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales; this caused a great many complaints among the Indians so that in 1837, as a result of these complaints, Congress appointed a Commission which Commission went to the state of Mississippi and heard claimants under article 14 of the treaty of 1830; in 1842 another Commission was appointed by Congress for the same purpose and that commission also went to Mississippi and heard claimants under article 14 of the treaty of 1830. Did any of your ancestors go before either of these two commissions, and claim any benefits under article 14 of that treaty? A Not that I know of.
- Q Did you ever hear that any of your ancestors received any scrip from the government as Choctaw Indians which scrip entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.
- Q This scrip was issued to those Indians who proved their claim under article 14 of the treaty of 1830 and also if they proved that they had land which the government had taken from them and sold; you don't know if any of your people ever received any such scrip? A No sir.
- Q Have you any evidence which you want to submit now in support of this claim? A No sir.
- Q Have you any witnesses which you want to call before this Commission to testify in this case? A None to-day.
- Q Do you want to call your mother to testify? A Yes sir.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q Do you want reasonable time in which to produce other witnesses before the Commission or depositions of witnesses? A Yes sir.
- Q Reasonable time will be allowed for that purpose. Is your

James Williams--6.

mother the only relative you have who has appeared for identification before this Commission? A Yes sir.

Q Her name is Mary Williams? A Yes sir.

Q And she is here now? A Yes sir.

MARY WILLIAMS BEING FIRST DULY SWORN TESTIFIED AS FOLLOWS:

Examination by the Commission:

Q What is your name? A Mary Williams.

Q Are you the mother of James Williams? A Yes sir.

Q James Williams has just testified and made application to be identified as a Mississippi Choctaw has he not? A Yes sir.

Q How old are you? A 78.

Q Where do you live now? A I live in eastern Texas.

Q What is your post office address? A Bullard Cherokee County.

Q What do you know about your son having Choctaw Indian blood?

A I suppose he taken it from me.

Q He claims through you does he, entirely? A Yes sir.

Q When was he born? A He was born on the 14th of July but I just give his age as high as I can; he is 42 years old; he's 42 years old.

Q Where was he born? A He was born in Rusk County Texas.

Q He never lived in Mississippi? A No sir he did'nt.

This applicant has the appearance and physical characteristics of being descended from parentage having a mixture of negroe and Indian blood; he claims through his mother ~~and~~ claims to have five eighths Choctaw blood and the rest negroe. This applicant claims one half of that of his mother or five sixteenths Choctaw blood and the rest negroe as his father was a full blood negroe; as a result of this parentage he does not show that Choctaw blood in his physical appearance that his mother Mary Williams shows; his hair is black, mustache black but his hair is curly; his features are broader; his lips larger, his nose lower, showing negroe characteristics which his mother does not show; his eyes are dark and his skin is dark; he shows Indian characteristics but the negroe blood seems to predominate he probably has the quantity of Indian blood which he claims in his application; he has no knowledge of the Choctaw language and no knowledge of compliance on part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above



James Williams --7.

entitled cause on the 12th day of December 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Chas Mitchell Wood*

Subscribed and sworn to before me this 7th day of January 1901.

*J. Dodson*  
*Notary Public*

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COPY.

Muskogee, Indian Territory, December 2, 1902.

James Williams,  
Fort Worth, Texas.

Dear Sir:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Williams, et al., embracing the following applications for identification as Mississippi

Choctaws:

Mary Williams, et al.,	M.C.R. 4345
James Williams, et al.,	M.C.R. 4346

These applications were made under the provision of the act of Congress of June 28, 1895 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Williams, Tommie Williams, Albert Williams, Alice Williams, Young Williams, James Williams, Alberta Williams, Albert Williams (2) and

James Williams-2

Dwell Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*Tame Bixby.*

Acting Chairman.

Registered.

2-2

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4346.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 21, 1903.

James Williams,

Fort Worth, Texas.

Dear Sir:-

You are hereby notified that on the 11th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Williams et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,



Commissioner in Charge.

REGISTERED

JAN 10 1903

MUSKOGEE, IND. TER.

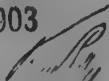
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IN THE FIVE CIVILIZED TRIBES.

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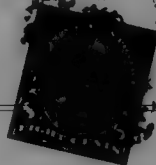
ACTING CHAIRMAN

REGISTERED

JAN 10 1903

MUSKOGEE, IND. TER.

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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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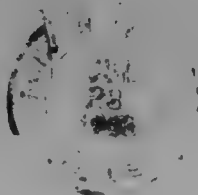


James Williams,

Fort Worth, Texas.

4346

*Lib*



General Office MEX  
Advising that Sec. of Int. has affirmed  
Commissioner's decision

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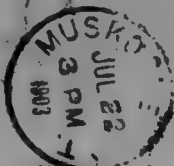
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Address

James Williams,

Fort Worth, Texas.

Freight collect. Not known.



UNCLAIMED

Penalty for private use, \$300.

OFFICIAL BUSINESS.

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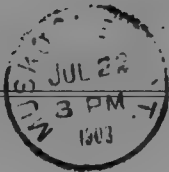
Commission to the Five Civilized Tribes,

Department of the Interior.

60335-Standard



General Office  
Advising that Sec. of Ind. has affirmed  
Commission's decision



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James Williams,

Port Aransas, Texas.

615-8-1111

For Identification as a Mississippi Choctaw.

Date

DEC. 12 1901

Name James Williams,

Age 42

Blood  $\frac{5}{16}$

Post Office, Fort Worth, Texas,

Father: Wiley Daniels, <sup>negro</sup> ~~slave~~ & d

Mother: Mary Williams, - l

Claims through mother  
wife - 2<sup>nd</sup> wife.

Sarah Williams, l. negro.

No claim for wife.

1<sup>st</sup>-wife

Emily Williams, d. negro.

Children:

Alberta Williams, - 18

Albert " 10

Emily Williams (1<sup>st</sup>-wife) is  
the mother of above 2 children.

Ewell Williams, m - 7.

Sarah Williams is the mother  
of Ewell -

Claims for self &  
children

Choctaw MCR 4347

Crocket Leflore

MCR 4347

**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Gresham Leflore,  
et al., for identification as Mississippi Choctaws. H. L. R. 4347.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above entitled case.

Original application of Gresham Leflore,  
et al., to the Dawes Commission for iden-  
tification as Mississippi Choctaws.....1

Decision of the Commission refusing the  
application of Gresham Leflore, et al.,  
for identification as Mississippi Choctaws..10.

-----|-----

4347  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 7, 1901.

In the matter of the application of Crocket Leflore for the identification of himself and five minor children, Simon, Surree, Mattie, Lummie and Eva, as Mississippi Choctaws.

Crocket Leflore, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Crocket Leflore.  
Q How much Choctaw blood have you? A I reckon about a quarter. If my mother's testimony is correct, I am about a quarter.  
Q What do you mean by "if your mother's testimony is correct"?  
A You know, she has always told me that a Choctaw was her father.  
Q How old are you? A About sixty three.  
Q What is your post office address? A Okahoma, Mississippi.  
Q Leake County? A Yes, sir.  
Q How long have you lived in Leake County? A From a baby.  
Q Were you born here? A Yes, sir.  
Q You never have lived any place outside of Leake County, then?  
A Yes, I lived over in Louisiana for about four years directly after the surrender, away over there in a place they called Nagadechieus, on Cane River; I lived there four years.  
Q Right after the surrender? A Yes sir, went off with northern people.  
Q Did you ever live anywhere else outside of the State of Mississippi except these four years in Louisiana? A No, sir.  
Q You were a slave, were you not? A Yes, sir; a slave. Stayed there until the horn blowed for liberty - stuck right there. Lost a heap of sweat.  
Q Is your father living? A No, sir; he is dead.  
Q What was his name? A Dave.  
Q Dave Leflore? A Yes, sir; Dave Leflore.  
Q Did he have any Choctaw blood? A Well, that comes to a little test; his grand father had a little Indian.  
Q You know that to be a fact, do you? A Well, I couldn't exactly measure that up good. He is an old fellow; he was an out-languaged man - talked broken, but he had straight hair and couldn't speak plain at all. He must have been mixed with the white or Choctaw one.  
Q Was he a slave? A Yes, sir.  
Q Do you know for certain whether he had any Choctaw blood?  
A No, sir; I couldn't say, sir.  
Q You don't know how much he had, if he had any? A No, sir; but I could find out and let you know.

Well, if you find out just how much, and want to, you can come back and give in additional testimony on that point.

- Q Is your mother living? A Yes, sir; the last account I had of her.

Crocket Leffere, et al., 2.

Q Where does she live? A In Arkansas - in the Choctaw Territory. Close by Oak Lodge is their post office; I have got a brother over there named Jim Leffere.

Q They live in the Choctaw Nation instead of Arkansas? A Yes, sir; in the Choctaw Nation.

Q What is your mother's name? A Caroline.

Q Has she any Choctaw blood? A Yes, sir; she told me she was.

Q How much? A She said her father was Choctaw.

Q A full blood Choctaw? A Yes, sir; full blood.

Q What was her mother? A Her mother was colored.

Q Your mother was a slave was she? A Yes, sir; my mother was a slave

Q Does your mother speak or understand the Choctaw language?

A Yes, she can talk very well.

Q Where did she live prior to her going to the Choctaw Nation, four years ago? A She lived on a place called Joe Mansel up here close to Thomastown, in Leake County, Mississippi.

Q Did she live in Mississippi all of her life? A yes, sir; a slave.

Q Do you know the name of her father or her mother? A I don't know her mother, and I don't know her father; never seed her father. All I go by is what she told me, you know.

Q Do you know any one living now who ever saw her father? A Well, now; I don't know sir; I reckon there is an old man might tell something about it by the name of Long Henry.

Q Where does he live? A Up this side of Redwater.

Q Is he a white man, or Choctaw? A He is a colored man.

Q

If you could see this man and he might be able to give in testimony that would be of value in regard to your mother, or if you can cause him to appear before the Commission here within the next week, his testimony will be taken in your case.

Q What was your mother's father's name? A Black.

Q Did he have any other name? A Not as I knows of, sir.

Q Was he a full blood Choctaw? A That's what she told me, sir.

Q Don't you know whether he had a Choctaw name, or not? A No sir; she always told me his name was Black.

Q Don't you know the name of your father's father, or your father's mother? A Yes, sir; I know his name.

Q Your father's father? A Yes sir; his name is Jim.

Q Was he a slave too? A Yes, sir, slave.

Q Do you know your father's mother's name? A No, sir.

Q So far as you know, have all of your ancestors always lived in Mississippi until four years ago, when your mother moved out there? A yes sir.

Q Are you married? A Yes, sir; married.

Q Is your wife living? A Yes, sir.

Q Has she any Choctaw blood? A No, sir.

Q What is her name? A Emma.

Q Were you married to Emma under a license? A Yes, sir.

Q Have you that license with you, today? A Its here on the books in Carthage, you can go there and find it.

Q Where was you married? A I was married about - down here at a place they call Tribulation Church, as near as I can call it, seven miles from Carthage.

Crocket Leflore, et al., 3.

Q Were you married by a minister of the gospel? A Yes, sir, named Ralph Henry.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of yourself to Emma for consideration in connection with the application you make in behalf of these children. This should be furnished to the Commission at your earliest convenience.

Q Have you ever been married more than once? A Just once.

Q You make no claim for your wife? A No, sir; no, sir, couldn't make none for her and see my self justified.

Q What is she, a colored woman? A No, sir.

Q What is she? A She is different blood.

Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A Yes, sir, five.

Q What are their names and aged? A Simmon, about 19.

Q What is the next one's name? A Surree.

Q How old is Surree? A About sixteen.

Q A boy? A Yes sir.

Q What is the name of the next one? A Mattie, about fifteen.

Q What is the name of the next one? A Lummie.

Q How old? A About nine.

Q What is the name of the next one? A Eva, the baby, about three.

Q This application then is for yourself and five minor children is that correct? A Yes, sir.

Q Are these children all living with you at this time? A Yes, sir; everyone right under the roof of my house.

Q Are they all the children of yourself and Emma Leflore? A Yes, sir.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not as I know of.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the tribe? A No, sir.

Q Did you, in the year 1896, that's five years ago, make application to this commission for citizenship in the Choctaw Nation for yourself or any of these children under the Act of Congress approved June 10, 1896? A Did not, sir.

Q Then, neither you or any one of these children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court for Indian Territory? Have you? A No, sir.

Q Have you ever made any application of any description before to-day for yourself or any of these children? A Yes, sir, I went for myself up here at Carthage.

Q When was that? A It may have been about three years ago; about three years ago, I guess, sir.

Q

The records of the Commission fail to disclose that any application was made to the Commission at Carthage in the year 1899 by this applicant, or for himself or any one of his children.

Q Are you sure that you made an application to the Commission three years ago when it was here? A Yes, sir; just as sure of that; yes sir, I am sure of that; there was lots --o

Crocket Leflore, et al., 4.

Q Tell us about when it was and where it was and the circumstances?  
A It was right here in Carthage; there was a lot of colored people, but they weren't heard under some circumstances; we were sorter pushed out for being colored. We wont noticed much; there were other parties there with a sort of franchise, the mixed breed - of course, I don't look nice setting up to the side of you by a table, but I always thought if a mule had a colt by a mare, he ought to be the father of it.

Q Were you sworn and put on the stand and asked questions like you have been here to-day? A Yes, sir; I raised my hand just like I did to-day, but they did n't tarry with me long sir.

Q Is this application that you think you made in 1899, the only application of any kind you ever made? A Yes sir, the only one I ever made before an officer.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Do you understand that 14th article? A Not exactly.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a portion of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is known as the Choctaw Nation, Indian Territory. At the time this treaty was made, that was seventy one years ago, you will understand, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay what is known as the 14th article was put in the treaty. An article is a part or sub-division of a treaty. This 14th article provided that upon certain conditions, those Choctaws who preferred to remain here in Mississippi, ~~would~~ go out to the new country, might receive land here ~~now~~ in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a



Crocket Leflore, et al., 5.

portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A I sorter understand it. Yes, sir; I think I do.

Q What part of it is it you think you might not understand? A Well I mostly understand it all.

Q You think you understand it all then? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions; that is, did they ever do as this fourteenth article required the Choctaws should do? A Not to my knowing. Near the time, you are talking about, when I went before them?

Q Away back, seventy one years ago? A That was out of my program; I co ldn't answer that. You are carrying me away back where I can't explain to you, now.

Q Were any of your ancestors living here at the time the treaty was made, seventy one years ago? A Oh! yes, sir; I can bring you up some who was here.

Q By your ancestors, I mean your fore-fathers, you know; what you term your old folks? A No, sir; they was about all dead.

Q Your mother is living? A Yes, sir.

Q Was she living here in 1830, when this treaty was made? A Yes, sir.

Q She was here in slavery at that time? A yes, sir.

Q Did she own any improvement here at that time? A Nom sir.

Q Was she a recognized member of the Choctaw tribe of Indians at that time? A No, sir; no further than from her father; she was a slave, you know.

Q You never saw your mother's father? A No, sir.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir I don't think they did, to my knowing.

Q You never heard of any of them moving out there at that time?

A No, sir. I had a sister - you are talking about moving to the Choctaw Nation?

Q Yes; that was sixty five or seventy years ago that I am talking about? A That won't quite reach them. I had a sister to move out to the Choctaw Nation about the war- went out there with old Leflore's son, Campbell Leflore.

Q You don't know whether any of them moved out there in the thirties or not? A No sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and take land under article 14 of the treaty? A No, sir, not as I knows of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever get any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A No, sir.

Crocket Leflore, et al., 6.

Q None of your people, then, that you ever heard of, ever got any land here in Mississippi from the Government? A No, sir; only what they bought.

Q Did you ever hear of any of them ever getting any money from the Government? A No, sir, not a nickle.

Q So far as you know, then, none of your ancestors were ever recognized members of the Choctaw tribe? A No, sir.

Q And none of them ever received any benefits as such? A No sir, never have received any.

Q Now, are those people of yours who went to the Indian Territory, your mother's brothers and sisters, recognized members of the tribe out there - ever been admitted to citizenship? A Well, they told me - wrote me a letter - and told me they got along mighty well out there, and wouldn't come back here for nothing in the world. They said they tended land there, didn't cost them nothing, and got good land and settled it and worked it and had no rent to pay, and in fact, my sister's daughter married a Choctaw. That the letter he sent me, and he had written me to come out there. My sister's daughter married with a Choctaw, that's what he wrote me.

Q Do you know whether they have ever been admitted to citizenship out there? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become a citizen of the States and take land under that 14th article. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know they wanted to stay here. I am talking about seventy years ago, just after this treaty was ratified. On account of the fact that the agent didn't register the names of these Indians, the Government, when it came to sell off this land here that it got from the Choctaws, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed he would get from the Government under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases, so it became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of

Crocket Leflore, et al., 7.

August 1842, providing for the appointment of another commission to come down here and finish up this work. This second commission was appointed by the President and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases. They held their sessions, some of them, here in Leake County, and the Indians from all around this part of the country came in and gave in their names, and had witnesses to prove that they had done what the 14th article required them to do.

Q Now, did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty? A How long has that been?

Q That's been - the first commission came down here about the time you were born, probably? A No, sir.

Q And the other one - you were just a few years old? A No, sir, not to my knowing.

Q You never heard of it, if they did? A No, sir.

Q Did you ever hear of those commissions before to-day? A Oh! yes, sir; I heard when the Choctaws were going off.

Q Did you ever hear of these two commissions I have talked to you about that was here between sixty and seventy years ago? A It seems like I heard something like that.

Q But you don't know whether any of your people went before them or not? A No, sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A No, sir, not as I knows of, sir.

Q Do you know any old person who would likely know ~~whether~~ whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I couldn't tell. There aint but one, I think, might tell about it.

Q Who is he? A You know they call him Long Henry.

Q The man you referred to in the early part of your testimony? A Yes sir.

Q Do you know anyone else who would be able to testify as to your ancestry and the amount of Choctaw blood you have besides Long Henry?

A Well, I might say something about a man by the name of Alexander Leflore.

Q Where does he live? A He lives up here about close to Flowers, in Leake County.

Crocket Leflore, et al., 8.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us at any one of our appointments here in Mississippi this fall, or between January 15th and February 15th, next, at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Did you ever see, or hear of, any deed or patent issued to any of your old folks covering land here in Mississippi received from the Government? A Never have, sir.

Q Have you any children living who are over twenty one years of age? A Yes.

Q What is her name? A She is named Eliza Ann.

Q Eliza Ann What? A She was a Simms before she married, but she and her husband parted - I just call her Eliza Ann.

Q What was her husband's name? A Johnson Simms.

Q Has Eliza Ann been before the Commission this year? A No sir.

Q She will have to appear in her own behalf. A Yes, sir.

Q Have you any brothers or sisters living? A Yes, sir.

Q Full brothers and sisters? A I have got a half sister dead, yes sir; I have got a sister, yes a full sister living.

Q The same mother? A Yes, sir, but she aint close here. I have got a half brother lives close to here.

Q Has she the same father or mother as yourself? A Same mother, but different father.

Q Is she the only half sister you have living? A Yes, sir.

Q Have you any full brothers or sisters living? A None to my knowing I have one, but I don't know where he is; he is named Simmon Leflore.

Q What is the name of your half sister? A Mary Ann.

Q What is her other name? A She is Leflore.

Q Is she married? A Yes, sir.

Q What is her husband's name? A Alexander Leflore.

Q Was her father a Choctaw? A Well, no, I can't be right straight along and tell you the fact, I was interviewing her to come down before these people about three years ago, she and her husband too, they claimed it somewhere, but for me to be positive on it, I can't answer it.

Q You don't know whether her father has any Choctaw blood, or not?

A She claims it; she claims her claim of her mother.

Q The same as you? A Yes, sir.

Q But her father had no Choctaw blood? A No, sir; I don't think he did.

Q Have you any half brothers or half sisters dead? A Yes, sir, I have got a brother dead.

Q Half brother? A No, sir; full brother.

Q Have you any full sisters dead? A Yes, sir.

Q How many? A Just one to my knowing.

Q Did she leave any children? A Yes, sir; she left one.

Q Is that child living? A Not to my knowing. He has left this country a good while, going on seven years.

Q Where did he go to? A I couldn't answer that.

Q You don't know? A Well, I couldn't answer it good; he has killed a man, got in trouble you know; and, of course, blood is thicker than water.

Crocket LeFlors, et al., 2.

- Q Did your brother leave any children? A No, sir.  
Q Has your mother any brothers or sisters living? A No, sir; her sisters are dead.  
Q Did she have a full brother or a half brother? A Full brother.  
Q Did he leave any children? A Yes, sir.  
Q Are any of them living? A Yes, sir.  
Q How many? A The last time to my recollection there was two.  
Q What are their names? A One was named Bee- the girl was named Bee.  
Q What is her other name? A She went a married lady; her father was named Dave Black.  
Q What was the other one's name? A Crawford Black.  
Q Where do they live? A in Carroll County.  
Q This State? A Yes, sir.  
Q Are there any further statements you desire to make in support of your application? A That's about all.  
Q Do you speak and understand the Choctaw language? A I can speak a right smart of it.

(This applicant has the features of facial expressions and appearance of a negro, though he speaks some Choctaw, and understands the language fairly well. He has, according to his testimony lived constantly among the Choctaws all his life.

R. E. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 7th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Carthage, Mississippi, this 13th day of December, 1901.

*R. E. Streit*  
*L. D. Mosely*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *J. M. Smith*

Deputy.

A. & D.  
C. W.

COPY  
MEMORANDUM OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

\*\*\*\*\*

In the matter of the application of Grosset Leflore,  
et al., for identification as Mississippi Choctaws. H.E.N. 4367.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Grosset Leflore for himself and his five minor children, Simon, Harvey, Mattie, Lennie and Eva Leflore, under the following provision of the act of Congress approved June 30, 1906, (34 Stat., 490):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

(2).

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Black, who is alleged to have been a fullblood Cheestaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Cheestaw tribal authorities as a member of the Cheestaw Tribe, or admitted to Cheestaw citizenship by a duly constituted court or committee of the Cheestaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Black, or ancestors less remote, signified (in person or by proxy) to Colonel M. Vard, Indian Agent, Cheestaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857, (3 Stats., 140), and August 23, 1842, (3 Stats., 315).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of



(2).

Grooket Leflore, Simon Leflore, Surree Leflore, Mattie Leflore, Lummie Leflore and Eva Leflore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

Tamr Bixby.

Acting Chairman.

I. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 6 1905



COPY

Muskogee, Indian Territory, December 6, 1902.

Crocket Leflore,  
Oshema, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Crocket Leflore, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Crocket Leflore, Simon Leflore, Surree Leflore, Mattie Leflore, Lummie Leflore and Eva Leflore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

C. L. 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WRIGHT

*James Dixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Crockett Leflore, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495).

said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Crockett Leflore, Simon Leflore, Surree Leflore, Mattie Leflore, Lummie Leflore and Eva Leflore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Fame Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Crocket Leflore, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the  
Commissioner of Indian Affairs.

*James H. Smith*  
Acting Chairman.

Inc. M. C. R. 4347.

Land  
76248-1902

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, March 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Crocket Leflore for himself and his five minor children Simon, Surree, Mattie, Lummie and Eva Leflore, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from one Black who it is alleged was a full blood Choctaw Indian and a resident of the Choctaw Nation in Mississippi in 1830, through Caroline Leflore his daughter, the principal applicant's mother.

The Commission rejected the applicants December 6, 1902, because the name of the ancestor through whom they claim does not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants had never been enrolled as

citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Black, and it is discovered that his name does not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that he applied to the commission appointed to adjudicate the claims of those having rights as Choctaw Indians.

These being the facts, it is respectfully recommended that the Commission's decision rejecting the applicants be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

C.T.C.(B)

D.C.10468-1903  
I.T.D.3250-1903  
IRS.

(Copy)

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Crockett Leflore (M.C.R.4347), for himself and his five minor children, Simmon, Surree, Mattie, Lummie and Eva Leflore, including your decision of December 6, 1902, denying said application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Black, who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 25, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision,  
and it is hereby affirmed.

Respectfully,

(signed) THOS. RYAN.

Acting Secretary.

1 inclosure.



COPY

Wakarusa, Indian Territory, April 22, 1903.

Crockett Lefflore,

Oklahoma, Mississippi.

Dear Sir:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Crockett Lefflore, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

*Tamé Bixby*

Chairman.

COPY.

Muskogee, Indian Territory, April 23, 1903.

Mansfield, McMurray & Gornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw of the several persons included in the case of Crockett Lefflore, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.

For Identification as a Mississippi Choctaw.  
 Carthage, Miss

Date DEC 7 1901

Name Crockett Leflore

Age 63

Blood  $\frac{1}{4}$

Post Office, Okahoma, Miss

Father: Javv Leflore

d

Mother: Caroline

L

Claims through mother.  
 wife Emma Leflore  
 (no claim for wife.)

L

(mo. her s. father's name was Jack. Applicant  
 doesn't know name of any other ancestor of mother.)

Children:

Simmon Leflore

19

Suree

"

16

Mattie

"

15

Lummie

"

9

Eva

"

3

(Claims for self and 5  
 minor children)

Stenographer

R. S. Struss

Choctaw MCR 4348

Caroline E. Stout

See MCR 451

MCR 4348

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. December 13th 1901.

4348

In the matter of the application for identification as Mississippi Choctaws of Caroline Elizabeth stout for herself and her two minor children Samuel Thomas, and Augustus Harry Doyal.

Applicant not represented by attorney.

Caroline Elizabeth Stout being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Caroline Elizabeth Stout.  
Q How old are you? A I am (53) fifty-three last October.  
Q Where do you live? A South McAlester.  
Q Indian Territory? A Yessir.  
Q How long have you lived there? A It will be two years next February.  
Q Where did you live before that? A Near Guertie.  
Q How long have you lived in the Indian Territory? A Seven years I think.  
Q Where did you live before you moved to the Indian Territory? A Texas.  
Q How long did you live in Texas? A I came to Texas in seventy-one.  
Q Where did you come from to Texas? A Georgia.  
Q How long did you live in Georgia? A I was ten years old when I went there.  
Q Where did you live before you moved to Georgia? A North Carolina.  
Q Born in North Carolina? A Yes sir.  
Q What part of North Carolina? A I believe it was Marion. Marion is the County seat of Bunkham (McDowell). No it is not Bunkham, the County that I think of. Why can't I think of it. I just can't think.  
Q Was it in the Eastern or western part of the State? A I could not hardly tell you.  
Q You claim to be a Choctaw Indian? A I hardly know whether it is Choctaw or Cherokee.  
Q What do you want to do? A No answer.  
Q Are you descended from Choctaw or Cherokee parentage and is this application which you want to make for citizenship in the Choctaw or Cherokee Nation? A They tell me Choctaw.  
Q Who told you? A My parents.  
Q Do you want to make application for enrollment as a citizen of the Cherokee Nation or for identification as a Mississippi Choctaw? A Mississippi Choctaw.  
Q How much Choctaw blood have you? A About one-quarter.  
Q Have you any other Indian blood besides Choctaw? A No sir.  
Q What is your father's name? A Samuel Perry Hawkins.  
Q Is your father living? A No sir he is dead.  
Q What is your mother's name? A Annie Hawkins.  
Q Through which parent do you derive your Choctaw blood? A My father.  
Q Is your mother living? A No sir she is dead.  
Q Were your father and mother married? A Yes sir.

- Q When? A Why I could not tell you just when about sixty seven years ago.
- Q Where were they married? A I think McDowell County is the name now.
- Q What State? A North Carolina.
- Q Were they married by a preacher? A I think theynwas.
- Q Have you any evidence of that fact? A No sir. Of course I could not swear that they was but then they was married.
- Q Are you married? A Yes sir I am married.
- Q What is your husband's name? A My husband, at present we are parted, his name is Green Berry Stout.
- Q Is your husband living? A Yes sir.
- Q White man? A Yes sir.
- Q You make any claim for him? A No sir.
- Q When were you and Green Berry Stout married? A It will be four years the 29th of this coming December.
- Q Have you any children by this man? A No sir.
- Q Have you any children under twenty-one years of age and unmarried for whom you desire to make application? A Yes sir.
- Q How many? A Two.
- Q What is the name of the oldest one? A Samuel Thomas Doyal, D-o-y-a-l.
- Q How old? A Twenty, this coming January.
- Q What is the name of your other child? A Augustus Harry Doyal.
- Q How old is he? A He will be nineteen this coming January.
- Q Who is the father of these two boys? A Thomas Taylor Doyal.
- Q He dead? A Yes sir.
- Q Was he a white man? A Yes sir.
- Q The only rights that these children have is through you? A A Yes sir.
- Q When were you and Thomas Taylor Doyal married? A In sixty-nine.
- Q Where? A In Georgia.
- Q Have you or your two children ever been recognized as citizens of the Choctaw Nation in Indian Territory by the Choctaw tribal authorities? A No sir.
- Q Have you or your children ever been enrolled by the tribal authorities of the Choctaw Nation as citizens of that Nation? A No sir.
- Q Have you or has anyone for you or your two children ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted to citizenship in the Choctaw Nation? A No sir.
- Q The act of Congress of June 10th 1896 authorized this Commission to receive, consider and act upon original applications for citizenship in the Choctaw Nation. Did you or did any one for you or your children make application to the Commission to the Five Civilized Tribes at that time? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No sir we never applied.
- Q Have you or your children in any manner ever been recognized or admitted to citizenship or enrolled as citizens of the Choctaw Nation by either the Choctaw tribal authorities or any duly constituted authority of the United States? A No sir we never have.
- Q Have you ever prior to this time made application to this Commission for enrollment as a citizen of the Choctaw Nation? A No sir.
- Q Have you ever applied for citizenship in any other Nation? A No sir.
- Q Is this the first application of any description you have ever made? A Yes sir.

- Qc Is it now your purpose to make application for the identification of yourself and your two minor children as Mississippi Choctaws? A Yes sir.
- Q You know the meaning of the term Mississippi Choctaw? A Well I don't know that I can tell.
- Q What is your understanding of the application you are now making? A Why I understand that our blood ought to give us a right.
- Q You believe that is the only requisite to prove that you have Choctaw blood? A Well if I have the Choctaw blood in me why I ought to have the benefit of it.
- Q Then your purpose in making this application is to file your claim for citizenship in the Choctaw Nation, based on the fact that you have Choctaw blood? A Yes sir.
- Q You believe that entitled you to be identified as a Mississippi Choctaw? A No answer.
- Q Do you believe that sufficient to enable you to be identified as a Mississippi Choctaw; to prove that you have Choctaw blood; the only thing necessary for you to prove? A I can't hardly understand you, you mean that it is necessary for me to prove up that I am Choctaw?
- Q Yes? You say you want to be identified as a Mississippi Choctaw, now do you understand and believe that all that is necessary for you to do to prove that you have Choctaw blood? A I don't hardly know how to answer you.
- Q Do you think that all that is necessary for you to do is to prove that you have Choctaw blood? A Why of course it is.

The authority vested in this Commission to identify so called Mississippi Choctaws is contained in the twenty-first section of the act of Congress approved June 28th 1898 and provides:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of eighteen hundred and thirty referred to in that legislation is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand what a treaty is? A A treaty?

Q Yes? A I don't hardly know whether i know or not.

Q I don't want your expressions; answer my questions? A Well you see I am green.

Q Well if you don't know I will tell you? A Well tell me then.

Q A treat is an agreement or contract made between Nations, between two governments in writing and this fourteenth article that I have just read to you, is a part of the treaty of 1830, made between the United States and the Choctaw Nation who in 1830 lived in a portion of the State of Mississippi and a portion of the State of Alabama. The United States government wanted to remove the Indians from the lands they occupied in these two States to some country west of the Mississippi River for the reason that the land they held in Mississippi and Alabama was being encroached upon by white people and the government wanted to get the Indians out of there, so they sent a Commission from Washington to treat with these Indians to provide for their removal to some country west of the Mississippi River. After negotiations had been made for several days it was found impossible to effect any agreement with these Indians to get them to remove from this country to the New Country west of the Mississippi River because a great many preferred to remain back there and the Indian would not make any agreement unless some provisions was made for these Indians who wanted to remain back there so this fourteenth article was incorporated in the treaty of 1830. The fourteenth article provides that those Indians who did not want to come west could stay in Mississippi or Alabama and take land there, certain tracts being assigned to them but those who wanted to stay there had to live on this land for five years before they would get a title to the land, they were required however to go to the United States Indian Agent within six months after the ratification of the treaty and tell him that they wanted to stay there and become citizens of the United States.

Q Now did any of your Choctaw ancestors ever signify to the United States Indian agent to the Choctaw Indians in Mississippi their intention to stay in Mississippi and become citizens of the United States under this fourteenth article of the treaty of 1830? A I could not tell.

Q You claim your Choctaw blood through your father Samuel Perry Hawkins? A Yessir.

Q He is dead is he? A Yes sir.

Q When did he die? A He died about twenty-four or five years ago.

Q How old a man was he when he died? A Fifty-two, he was fifty three.

Q When you were born he was living in North Carolina? A Yes sir I think he was born in North Carolina.

Q How long had he been living in North Carolina before you were born? A I don't remember.

Q Did he ever live in the State of Mississippi? A Yes sir he has got uncles there yet.

Q What part of the State of Mississippi did he live in? A I could not tell you that either.

Q When did he move from Mississippi to North Carolina? A I could not tell you.

Q How do you know that he ever lived in Mississippi? A I heard them talk about it.

Q Have you any evidence of the fact that your father was ever a resident of the State of Mississippi? A I don't know it but that is what they said.

Q Did your father have any brothers older than he was? A Yes sir.

Q Your father derived his Choctaw blood through his father or mother? A His mother.

Q Was his father a white man? A Yes sir.



- Q What was his mother's name? A Elizabeth.
- Q Elizabeth Hawkins? A Yes sir.
- Q Was she a resident of the State of Mississippi in 1830? A I don't she was a very old lady.
- Q I don't want to know how old she was. Was she a resident of the State of Mississippi in 1830? A I could not tell you if she was or not.
- Q Do you know where she was living at that time? A No sir.
- Q Did you ever hear? A In 1830.
- Q Yes seventy-one years ago? A I could not tell you where she was living at that time.
- Q Did you ever hear or have you any evidence to show that Elizabeth Hawkins was ever in any way recognized as a member of the Choctaw tribe of Indians? A Why I have heard them say that she was, I saw the Indians I can remember just as well as if it was yesterday.
- Q Where did you see them? A In Mississippi and North Carolina.
- Q Have you ever lived in Mississippi? A Yes sir.
- Q When? A I lived in Mississippi, me and Mr. Doyal we was married in Georgia and I was from North Carolina, of course my folks had originated from there to North Carolina.
- Q You made this statement that you had seen Indians in Mississippi. Have you ever in your life lived in Mississippi? A I never lived in Mississippi but I have been there.
- Q When? A It has been twenty five or thirty years ago just before the War.
- Q What part of the State of Mississippi did you live? A Aberdeen and I forgot the other town.
- Q How long were you there? A Right smart while.
- Q Have you any evidence to show that Elizabeth Hawkins was ever considered by the Choctaw Indians there in Mississippi, seventy one years ago as a member of that tribe? A I just heard them speak about it when I was a child that she was a Choctaw Indian.
- Q Have you any evidence, wnything to show that she was a Choctaw Indian in 1830? A No sir I have nothing to show.
- Q Then all your testimony you give about your grandmother Elizabeth Hawkins is merely hearsay evidence, something that somebody else has told you? A Yes sir my father.
- Q Then as a fact you do not know whether Elizabeth Hawkins ever lived in Mississippi? A If she did it was before I was born.
- Q Do you know anything about that? A Only hearsay, I was not there before I was born.
- Q If Elizabeth Hawkins did live in Mississippi in 1830 some twenty years before you was born, where did she live in Mississippi? A I could not tell you.
- Q Did Elizabeth Hawkins or any other of your Choctaw ancestors ever own any improvements on land in the State of Mississippi? I could not tell you that.
- Q The Choctaw Indians were removed by the United States government from Mississippi to the present Indian Territory between the years 1832 and 1838; Now, did any of your Choctaw ancestors remove from the State of Mississippi to the present Indian Territory with the removal of the Choctaws? A I could not tell you whether they did or not.
- Q Did any of your Choctaw ancestors ever signify their intention to remain in Mississippi and become citizens of the United States, to the United States Indian Agent? A Remain in Mississippi?
- Q Yes? A I don't know.
- Q Did any of your Choctaw ancestors ever receive from the United States government any land under this fourteenth article of the treaty of 1830? A In Mississippi.
- Q Yes? A If they have I don't know it.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the United States government directed an Agent in Mississippi to register the names of those Choctaws who might desire to remain and become citizens of the United States. The records of the government show that this Agent failed to register and report to the government at Washington the names of many Choctaws who really did signify their intention to remain in Mississippi and take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek. On this account in many instances the land upon which the Indians had improvements and which they desired reserved for them under said article was sold by the government at public land sales and the Choctaws were deprived of their lands.. This action of the government caused a great many complaints by the Choctaws and the matter was finally brought to the attention of the United States Congress and on March 3, 1837 an act was approved providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases of those Choctaws who might claim under the fourteenth article but had not received land thereunder. By act of Congress approved February 22nd 1838 this Commission was continued until August 1st 1838. This Commission was duly appointed by the President and went to Mississippi and heard a few of these Choctaw cases but in the time allowed by the act of Congress under which they were appointed they were able to hear only a small majority of those claims. Prior to August 1st 1838 this Commission reported to Congress and on August 23 1842 Congress appointed a second Commission to hear similar cases. This second Commission also had authority to hear claimants under article fourteen but whose land had been sold by the government.

- Q Did any of your Choctaw ancestors appear before either of these Commissions, the one appointed under act of Congress of March 3rd 1837 or the one appointed act of Congress of August 23rd 1842 and attempted to establish their rights as claimants under article fourteen of the treaty of 1830? A No sir I do not know.

The act of Congress of August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been sold by the government he should be entitled to select land elsewhere, either in Mississippi, Arkansas, Alabama or Louisiana, to be taken from vacant government lands and that a certificate to this effect should be issued. These certificates were called scrip and were accepted by the government in payment for these public lands.

- Q Did any of your Choctaw ancestors ever receive from the United States government any of this scrip in consideration of any claim they might have had under the fourteenth article of the treaty of 1830? A I don't know.
- Q You live in the City of South McAlester at this time? A Yes sir.
- Q What are you doing there? A I peddle and sell my garden goods.
- Q You live in the incorporated limits of the town? A Yes sir.
- Q Have you any documentary evidence, any records or copies of records or any papers of any description what would show that your grandmother Elisabeth Hawkins or any of your people have ever been recognized as members of the Choctaw tribe of Indians? A No sir.
- Q Do you know of the availability of any witnesses who could testify materially to the residence of your grandmother in Mississippi or Alabama or to her recognition as a citizen of the

Chectaw Nation in Mississippi from 1830 to 1835? A No sir I do not know of any I suppose I could write back and get them.

- Q Do you know of any such people who knew your people in 1830 and knew that they were Chectaws? A No sir I don't know of any.
- Q Have any of your relatives, any of your brothers or sisters or any members of your family made application for identification as Mississippi Chectaws? A Yes sir.
- Q Who? A William Henry Hawkins and George Anderson.
- Q They are your brothers? A Yes sir.
- Q Any more? A Yes I have others but these are the only ones that have applied.
- Q Both of them claim through Elizabeth Hawkins? A Yes sir.
- Q Such testimony that they have offered would apply to your application? A Yes sir I suppose it would.
- Q Can you speak or understand the Chectaw language? A No sir.

This applicant is to all appearances a white person. She has none of the features and characteristics of a Chectaw Indian. She is unable to speak or understand the Chectaw language and has no knowledge of compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 13th 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of December 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 17 day of December 1901.

*[Signature]*

Commissioner.

COPY.

M.C.R. 4348

Muskogee, Indian Territory, September 4, 1902.

Caroline E. Stout,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Hawkins, et al.,	M.C.R.	451
Claudio M. Hattenbach, et al.,	"	4317
George A. Hawkins, et al.,	"	4318
Caroline Elizabeth Stout, et al.,	"	4348
Annie Susanna Doughty, et al.,	"	4349

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Caroline E. Stout-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Hawkins, Sallie E. Hawkins, Jason C. Hawkins, Maudie A. Hawkins, Delta E. Hawkins, Willie Hawkins, Perrie F. Hawkins, Jessie J. Hawkins, Dasie D. Hawkins, Claudie M. Hattenbach, Blanche Hattenbach, George A. Hawkins, Joseph S. Hawkins, Rosabelle Hawkins, Reno L. Hawkins, Jack Hawkins, Caroline Elizabeth Stout, Samuel Thomas Doyal, Augustus Harry Doyal, Annie Susanna Doughty, Nettie Reed Doughty, Minnie Lee Doughty, Millie May Doughty, Cletie Doughty and John Alfred Dewy Doughty as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Dixby.

Acting Chairman.

Registered.

COPY. M C R 4348

Muskogee, Indian Territory, December 3, 1902.

Caroline E. Stout,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Hawkins, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

EDWARD

Acting Chairman.

M.C.R. 4848.

Muskogee, Indian Territory, September 11, 1906.

A. S. McKennon,  
Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, requesting to be informed if the decision of the Commission to the Five Civilized Tribes of September 4, 1902, in the Mississippi Choctaw case of Caroline E. Stout has been affirmed by the Secretary of the Interior.

In reply to your letter you are advised it appears from the records of this office that on November 20, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of September 4, 1902, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of William H. Hawkins, et al., of which the application of Caroline Elisabeth Stout, et al., is a part.

Respectfully,

Commissioner.

## For Identification as a Mississippi Choctaw.

Date DEC 13 1901

Name *Caroline E. Stout*Age *53.* Blood *1/4*Post Office, *South Mc. Allister, I. T.*Father: *Samuel P. Hawkuis - dead*Mother: *Annie Hawkuis - dead*Claims through *father*

## HUSBAND:

*Green Berry Stout - ✓*  
*(no claim for husband).*

## Children:

*Samuel T. Woyal. 20.*  
*Augustus H. Woyal. 19.*

## FATHER:

*Thomas T. Woyal. - dead**Claims for self and two children.*



Choctaw MCR 4349

Annie S. Doughty

See MCR 451

MCR 4349

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. December 13, 1901.

4349

In the matter of the application for identification as Mississippi Choctaws of Annie Susanna Doughty for herself and her five minor children, Hettie Reed, Minnie Lee, Lillie May, Cletie, and John Alfred Dewey Doughty.

Applicant not represented by attorney.

Annie Susanna Doughty being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Annie Susanna Doughty.  
Q How old are you? A ~~Thirty-four~~.  
Q What is your post-office address? A South McAlester.  
Q Indian Territory? A Yessir.  
Q How long have you lived in Indian Territory? A Fifteen years.  
Q Where did you live before that? A Montague County, Texas.  
Q Born there? A No sir.  
Q How long did you live in Texas? A Fourteen years I believe.  
Q Where did you come from to Texas? A Georgia.  
Q Born in Georgia? A Yes sir.  
Q Ever live in the State of Mississippi? A No sir.  
Q You claim to be a Choctaw Indian? A Yessir.  
Q How much Choctaw blood have you? A I think I was about one-eighth.  
Q What is your father's name? A Thomas Taylor Doyal.  
Q Is your father living? A No sir.  
Q What is your mother's name? A Caroline Elizabeth Stout.  
Q Is your mother living? A Yes sir.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q Has your mother ever been recognized in any way or enrolled as a citizen of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made any claim to any other Indian blood besides Choctaw? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Andrew Jackson Doughty.  
Q Is your husband living? A Yessir.  
Q White man? A Yes sir.  
Q You make any claim for him? A No sir.  
Q When did you marry him? A Sixteen years ago. It will be seventeen the 8th of this month.  
Q Have you any children by him? A I have five living?  
Q What are their names and ages? A Hettie, H-e-t-t-i-e Reed Doughty.  
Q How old is she? A Sixteen.  
Q The next one? A Minnie Lee Doughty.  
Q How old? A Fourteen/  
Q The next one? A Lillie May Doughty.  
Q How old is she? A She is ten.  
Q The next one? A Cletie.  
Q How do you spell that? A C-l-e-t-i-e.

- Q How old? A Night.
- Q The next one? A John Alfred Dewy.
- Q How old? A Three in February coming.
- Q You are the mother of these children? A Yes sir.
- Q Andrew Jackson Doughty the father of all five of them? A Yes sir.
- Q The children all live with you at your home? A Yes sir.
- Q Such rights as you might have are entirely through you are they? A Yes sir.
- Q Have you or your children ever been recognized in any manner as citizens of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities? A No sir not that I know of by authority of the Choctaw tribe.
- Q Have you or your children ever been enrolled as citizens of the Choctaw Nation? A No sir we have not.
- Q Have you or has any one for you or your minor children ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Not until recent date.
- Q What do you mean? A I mean that my uncle did so few years ago.
- Q Have you or your minor children or has any one for you or your minor children ever made application for citizenship in the Choctaw Nation? A No sir.
- Q The act of Congress of June 10th 1896 empowered this Commission to receive, consider and act upon original applications for citizenship in the Choctaw Nation. Did you or did any one for you or your minor children make application to this Commission for citizenship in the Choctaw Nation under that act? A No sir.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No sir.
- Q Have you or your children in any manner ever been recognized or enrolled as citizens of the Choctaw Nation by authority of the Choctaw tribal authorities or the duly constituted authorities of the United States? A We never.
- Q Have you or has any one for you or your children ever prior to this time made application for enrollment as citizens of the Choctaw Nation or for identification as Mississippi Choctaws? A No sir.
- Q This is the first application of any kind that has ever been made to any authority for citizenship in the Choctaw Nation for either yourself or children? A Yes sir it is.
- Q Are you now making application for yourself and your five minor children for identification as Mississippi Choctaws? A Yes sir.
- Q You understand the term Mississippi Choctaws? A I understand that they originated there.
- Q Originated where? A In Mississippi.
- Q I just want you to tell me your idea of what is meant by the term Mississippi Choctaws. You come here at this time and apply for the identification of yourself and your five minor children as Mississippi Choctaws with the idea of having certain rights, obtaining lands as citizens of the Choctaw Nation? I want you to tell me what you think is necessary for you to do to obtain these rights? A I think it is necessary for me to get up evidence to prove that we originated in Mississippi, I think that is essential.

The authority vested in this commission to hear and consider applications for identification of so-called Mississippi Choctaws is contained in the provisions of the twenty-first section of the act of Congress of June 23rd 1898 which provides:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830 referred to in this legislation was a clause or a part of the treaty made between the United States and the Choctaws in Mississippi in 1830. The United States government was desirous of securing the removal of the Choctaw Indians who then lived in Mississippi and a part of Alabama to some country west of the Mississippi river where they could have undisputed possession of the lands assigned them by the government. A Commission was sent from Washington to treat with the Chiefs of the several bands of Indians in Mississippi with this idea in view but it was impossible to make any treaty to which the Choctaws in Mississippi would agree unless some provision was made providing for the protection of those Choctaws who wanted to remain in Mississippi and this fourteen article after considerable negotiating was incorporated in the treaty. That article provides as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that? A I don't know that I do gully.

The treaty of 1830 provided for the removal of those Indians who lived in Mississippi and Alabama to the New Choctaw Nation Indian Territory. The fourteenth article provided for those that did not want to come to this New Country. They said if you don't want to go, if within six months after the ratification of the treaty, the heads of families, that is persons who were married and were recognized members of the Choctaw tribe, should go to the Indian Agent, representing the United States and tell him that they wanted to stay and not go west with the tribe, he was provided with a register or book to enter their names and when they came before him it was his duty to give them certain tracts of land, a whole section for the head of a family, one half section or three hundred and twenty acres for each child over ten years of age and a quarter section or 160 acres for a child under ten years of age and they had to stay on that land for five years before they got a title to it. Now they could do all of that in Mississippi; then the article goes on and says if they got that land in Mississippi and lived on it for five years or twenty-five or thirty or even seventy years and if they then wanted to come to the Choctaw Nation in the Territory they would then

still have a right to citizenship in the Choctaw Nation but they would have no right to any of the Choctaw annuities. That is money that the government held in trust for them? A Yes sir.

Q Were any of your Choctaw ancestors residents of the State of Mississippi and recognized members of the Choctaw tribe of Indians at that time when this treaty was made? A I don't know.

Q You claim your Choctaw blood through your mother Caroline E. Stout? A Yes sir.

Q Who did she derive her Choctaw blood from? A Her father.

Q What was his name? A Samuel P. Hawkins.

Q Samuel P. Hawkins is living? A No sir.

Q When did he die? A I could not tell you I would have to count back I was eight years old, something near that. I am thirty four now, about twenty odd years.

Q About how old a man was he when he died? A He was about fifty or fifty-one or two I guess.

Q If he were living now he would be somewhere near seventy five or eighty years of age? A Yes sr.

Q In 1830 he was nothing more than a boy of five or ten years of age? A Yes sir.

Q He was not the head of a family himself, was not married and had no family of his own then did he? A Why no.

Q Now through which one of his parents did he get his Choctaw blood? A His mother.

Q What was her name? A It seems to me like her name was, of course I only know what they told me, they called her Betsy Hawkins.

Q What was her full given name was it Betsy or Elizabeth? A They called her Betty or betsy.

Q Was not her real name Elizabeth? A I think it was.

Q Was she the head of a family in 1830? A I would think so.

Q Was she a resident of the State of Mississippi at that time? A I could not tell you.

Q Was she a recognized member of the Choctaw tribe of Indians at that time? A I could not tell you.

Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi? A I don't know.

Q Have you any evidence of any description to show that Elizabeth Hawkins or any of your Choctaw ancestors ever complied or attempted to comply with this fourteenth article of the treaty of 1830? I don't know of any.

Q Between the years 1833 and 1838 the United States government removed all the Choctaw Indians, a great part of them, from Mississippi and Alabama to the present Indian Territory. Did Elizabeth Hawkins remove from the Choctaw Nation in Mississippi or Alabama when the Choctaw Indians were removing to the present Indian Territory? A I have no account of it.

Q Do you know whether Elizabeth Hawkins or any of your Choctaw ancestors ever went before the Indian Agent in Mississippi and told him that they wanted to stay there and take land under the provisions of the fourteenth article of the treaty? A I don't know that either.

In accordance with the provisions of this fourteenth article of the treaty of 1830 the government directed an Agent in Mississippi to record the names of those Indians who wanted to stay. Now he failed to do this, in a number of cases he did not put them down on his record, they still lived on land in Mississippi and after the removal of the greater part of the Indians the government not having any record of these Indians sold the land upon which they lived. They complained about this and said that they

had told the Agent that they wanted to stay there but there was no record of it. There was so much complaint that the government appointed Commissions to go to Mississippi and find out if they had really gone to the Indian Agent. There were two such Commissions appointed, one in 1837 and another in 1842, both reporting to the Secretary of War and the United States Congress and names of a great many Choctaws who had always lived there in Mississippi and who had evidently been before the United States Indian Agent and told him that they wanted to stay there but that there was no official record of it, so a great many of these claims were adjudicated and the Indians were given rights to take lands in lieu of the land that had been sold by the government, in Mississippi, Arkansas, Louisiana or Alabama; this land to be taken from the public domain, that is from the public lands of the United States. The government issued to these Indians certificates or scrip, that is if an Indian was entitled to three hundred and twenty acres of land under this fourteenth article of the treaty of 1830 they gave him a certificate to this effect and he was entitled to go to any land office in these four states and take land that had not already been filed on by some other person and take land thereunder.

- Q Now did any of your ancestors ever receive any of this scrip from the United States government or did they ever get any public lands in Mississippi Arkansas, Louisiana or Alabama? A No sir they have not.
- Q Have you any records of any description that would show if any of your ancestors were ever recognized in any manner as citizens of the Choctaw Nation or the Choctaw tribe of Indians in Mississippi? A I have not.
- Q Do you know of the availability of any witnesses any where, any people living who know anything about your Choctaw ancestors who could materially testify as to your rights? A No I don't.
- Q You expect to offer any testimony of any description whatever in addition to this oral testimony of yours? A Well it is like this; it would not give any impression whatever, it is all hearsay. I can only remember about my grandfather, speaking about Indian blood. He called himself an Indian and I have often heard my own father speaking to my mother telling her not to own that they were Indians. That was when we lived in Texas.
- Q You yourself have no actual knowledge of any residents in Mississippi of Elisabeth Hawkins in 1830 to 1842? A No sir.
- Q Do you know of anybody that does? A No sir.
- Q Do you speak the Choctaw language? A I don't.
- Q Have any of your people made application to the Commission prior to this for identification as Mississippi Choctaws? A My uncles have.
- Q What are their names? A George and Will Hawkins and my uncle Will's eldest daughter Claude Hattenback.
- Q Have any other of your people made application? A Not that I know of.
- Q Has your mother? A Yes sir.
- Q What is her name? A Caroline E. Stout.
- Q They all claim through Elisabeth Hawkins.
- Q And you want the testimony in their cases considered together with yours when your case is taken up for consideration? A Yes sir.

The applicant in this case has the features and appearance of a white person. She is unable to speak or understand the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 13th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 13 day of December 1901.

*[Signature]*

Commissioner.



Muskogee, Indian Territory, September 4, 1902.

Annie S. Doughty,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Hawkins, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Hawkins, et al.,	M.C.R.	451
Claudio M. Hattenbach, et al.,	"	4317
George A. Hawkins, et al.,	"	4316
Carline Elizabeth Stout, et al.,	"	4348
Annie Sasanna Doughty, et al.,	"	4349

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:



Annie S. Doughty-2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Hawkins, Sallie M. Hawkins, Jason C. Hawkins, Maudie A. Hawkins, Delsa R. Hawkins, Willie Hawkins, Perrie F. Hawkins, Jessie J. Hawkins, Dacie D. Hawkins, Claudie M. Hattenbach, Blanche Hattenbach, George A. Hawkins, Joseph M. Hawkins, Rosabelle Hawkins, Rene L. Hawkins, Jack Hawkins, Caroline Elizabeth Stout, Samuel Thomas Doyal, Augustus Harry Doyal, Annie Susanna Doughty, Hettie Reed Doughty, Minnie Lee Doughty, Lillie May Doughty, Cletie Doughty and John Alfred Dowy Doughty as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

James Kirby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 5, 1902.

Annie S. Doughty,

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that on the 20th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Hawkins, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

W. H. H. H.

For Identification as a Mississippi Choctaw.

Date

DEC 13 1901

Name Annie S. Noughty.

Age 34.

Blood

1/8.

Post Office, South Mc. Alister, S. T.

Father: Thomas T. Noyes - dead

Mother: Caroline C. Stout - ✓

Claims through mother.

HUSBAND:

Andrew J. Noughty - ✓  
(no claim for husband).

Children:

Hettie Ree Noughty -	16.
Minnie Lee "	14.
Lillie May "	10.
Olette "	8.
John A. N. "	3.

Claims for self and five children.

Stenographer G. Rosenwinkel.

Choctaw MCR 4350

Nancy A. Winger

See MCR 3358

MCR 4350

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 13, 1901.

#4350.

In the matter of the application of Nancy A. Wininger  
for the identification of herself and her minor child, Alleta Wininger,  
as Mississippi Choctaws.

Galleway & Heflin, Attorneys for applicant.  
(No appearance).

Nancy A. Wininger, being first duly sworn, upon her  
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Wininger.  
Q What? A Wininger.  
Q You will have to spell it for me. A W-i-n-i-n-g-e-r .  
Q What is the first name? A Nancy.  
Q What is your name in full? Nancy what? A Nancy Arvey Wininger.  
Q What is your age? A Twenty-two.  
Q How much Choctaw blood do you claim to have? A Sixteenth.  
Q What is your post office address? A Frenchlick.  
Q What state? A Indiana.  
Q How long have you lived in Frenchlick, Indiana? A About four  
years I believe it is.  
Q Where did you live before you moved to Frenchlick? A At Washington.  
Q Washington where? A Daviess County, Indiana.  
Q Were you born in the state of Indiana? A No sir, I was born in  
the state of Texas.  
Q State of Texas? A yes sir.  
Q And moved to Indiana from Texas? A Yes sir.  
Q And have never lived anywhere except in Texas and Indiana? A No  
sir.  
Q Is your father living? A My father?  
Q Yes. A Yes sir.  
Q What is his name? A John B. Brooks. M. I mean.  
Q John M. Brooks? A Yes sir.  
Q How old is your father? A He's fifty-two.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary B. Brooks.  
Q How old is your mother? A Forty-nine.

(2).

- Q Through which one of your parents do you claim your Choctaw blood?  
A My father.
- Q Has your father ever been recognized in any manner, or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory, by the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Were your father and mother legally married? A Yes sir.
- Q Where did they marry? A In Texas, I reckon.
- Q In Texas you reckon. Do you know when? What year? A '71 I think.
- Q Were they married under a license? A Yes sir.
- Q By an ordained minister or an official? A Yes sir.
- Q By a minister? A Yes sir.
- Q Have you their marriage license and certificate with you? A No sir.
- Q It will be necessary for you to furnish the Commission with the evidence of your father's and mother's marriage, either by the original marriage license and certificate, or a certified copy of same. Are you married? A Yes sir.
- Q What is the name of your husband? A Ezekiel Wininger.
- Q Your husband is living is he? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q Does he make any claim to Choctaw blood? A No sir.
- Q You make no claim for him? A No sir.
- Q Have you any children unmarried that you desire to make application for at this time? A One.
- Q You say one? A Yes sir.
- Q Then this application is for yourself and one child? A Yes sir.
- Q Give me the name and age of your child, please. A Alleta Wininger.
- Q Alleta? A Yes sir.
- Q How do you spell that? A A-l-l-e-t-a .
- Q The age? A Four years old.
- Q This child is the child of Ezekiel Wininger, your husband, and yourself? A Yes sir.
- Q Living with you? A Yes sir.
- Q Is your name or the name of your child for whom you make application to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or anyone for you or for your child ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your minor child, ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself and your minor child, to either the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as a citizen of the Choctaw nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory for yourself and your minor child under the provisions of the XIV Article of the Treaty between the United States and the Choctaw

(3).

Tribe of Indians concluded at Dancing Rabbit Creek, in Mississippi on September 27, 1830? That is your purpose is it? To make application under that Treaty? A To make claim under any Treaty that will do me the most good.

Q Did you ever hear of the Treaty of Dancing Rabbit Creek, or the Treaty of 1830? A No sir.

Q You don't know anything about the Treaties at all? A No sir.

Q The authority of law vested in this Commission to hear claimants is found in the XXI Section of the act of Congress of June 28, 1898, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

That is the only authority vested in this Commission to hear applications of people who claim the right to share in the lands of the Choctaw Nation, Indian Territory. And you say you never heard of that Treaty? A No sir.

Q What makes you think you are a Choctaw Indian then? (No answer).

Q What makes you think you have a right to share in these lands? A I don't know.

Q Well, I will explain to you. The Treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians on the 27th day of September, 1830. The object of the Treaty was to secure the removal of the Choctaw Tribe of Indians who then occupied a portion of Mississippi and a small portion of the state of Alabama, by taking their lands in Mississippi in exchange for lands in the country west of the Mississippi River. At the time the Treaty was entered into a good many of the Choctaw Indians in Mississippi held lands on which they had improvements, and didn't want to move to this new country, but refused to enter into any-----refused to sign it, or become a party to this Treaty, and for the benefit of this class of Indians Article XIV was entered into the Treaty or made a part of the Treaty. That Article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of

(4).

age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the article of the Treaty under which persons who apply here for identification as Mississippi Choctaws claim. Now I have read the Treaty to you. Have you ever heard of that Treaty before this? A (No answer).

Q You are making claim as a Mississippi Choctaw are you? A Yes sir.

Q Well, is that the article of the Treaty under which you want to make this claim? A Yes sir.

Q Do you understand what that article is now since I have read it to you? A Well, I don't hardly know.

Q Well, I explained to you why the Treaty was made. Now the Treaty required, after its ratification, which was on the 24th day of February, 1831, that those Choctaws who desired to remain in the States should go before the United States Indian Agent, Colonel Ward, within six months from the date of the ratification of the Treaty and signify to him, that is tell him that they wanted to remain in the States and accept benefits or accept lands under that Treaty. The records of the Government show that out of the number of Choctaw Indians who remained in the state of Mississippi colonel Ward only registered something over a hundred names out of seven thousand Choctaws who remained in the state and when a locating agent was sent down to locate the lands for those Indians who did signify their intention to remain this fact became known and the complaints finally reached Congress and Congress under various acts appointed Commissions to go into the state of Mississippi and investigate these claims. Some of the lands which Indians owned had been sold at the public land sales of the Government, and these Commissions after investigating the claims allowed a number of claims of Indians whose names had not been reported by Colonel Ward. Some of them they rejected. Of the claims allowed if the lands had not been sold at these public land sales, the Indians were put in possession of the lands. If however, the lands had been sold Congress by another act authorized the issuance of scrip to be given to these Indians in lieu of the lands which they had lost by being sold at these public land sales. Now what is the name of your ancestor who resided in Mississippi in 1830 at the time this Treaty was made, that is, on the 27th day of September, 1830? (No answer).

Q Who do you claim your Indian descent from? A My grandmother.

Q Your grandmother-----what was her name? A Kelley.

Q What was her given name? A Julia Ann Kelley.

Q Julia Ann Kelley? A Yes sir.

Q Well, was Julia Ann Kelley living in Mississippi in 1830 at the time of the conclusion of this Treaty? A I don't know.

Q How much Choctaw blood did Julia Ann Kelley have? A A fourth.

Q Fullblood? A Fourth.

Q Fourth? A Yes sir.



(5).

- Q Was Julia Ann Kelley married and the head of a family in 1830?  
A I don't know.
- Q Do you know whether Julia Ann Kelley went within six months from the ratification of this treaty, that is within six months after the 24th day of February, 1831 to the Indian Agent and told him that she wanted to stay there and accept lands under this Treaty?  
A No sir.
- Q Was your father John M. Brooks a son of Julia Ann Kelley? A Yes sir.
- Q You testified that your father is living. Has he ever been before this Commission to apply for identification as a Mississippi Choctaw? A Why he's been here already I think.
- Q He has been here before the Commission? A Yes sir.

Reference is here made to M. C. R. 4091, John M. Brooks, et al.

- Q Is the John M. Brooks who appeared before this Commission on November 18, 1901, your father? A Yes sir.
- Q Do you know if any of your Choctaw ancestors ever complied or attempted to comply with the provisions of this Article of the Treaty that I have just read you? A No sir, I don't know.
- Q Do you know whether any of your Choctaw ancestors ever received any scrip in lieu of any lands which they might have been dispossessed of by their lands having been sold at the public land sales of the Government? A No sir.
- Q Do you know whether any of your Choctaw ancestors ever received any benefits as Choctaw Indians in Mississippi? A No sir.
- Q Do you know whether any of your Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in the Choctaw Nation Mississippi, that is, I mean were they ever considered as Indians by the Choctaw Tribe of Indians? A Yes sir, I think they were.
- Q They were? Do you know in what way they were recognized? A No sir, I do not.
- Q You have just heard that they were considered Indians.
- Q You don't know though whether they were recognized by the Choctaw Tribe of Indians as members of the Tribe or not? (No answer).
- Q Do you know of the existence of any evidence that would tend to show that your ancestors ever complied with or attempted to comply with the provisions of this treaty. A I don't know.
- Q Do you know of any persons living who could come before this Commission and testify that Julia Ann Kelley your grandmother ever complied with or attempted to comply with the provisions of the Treaty of 1830? A No sir.
- Q You don't know of the existence of any deeds to land or patents of land or anything of that kind which would tend to show that your ancestors ever received any land from the United States Government as Choctaw Indians? A No sir.
- Q Have you any evidence that you want to-----any documentary evidence, any affidavits, anything of that kind you want to file with the Commission to-day? A Yes sir.

Sworn statement of the applicant presented by her received filed marked Exhibit "A" and made a part of the record in this case.

(6).

- Q Do you desire the evidence in the case of your father, John M. Brooks to be considered as a part of the evidence in your case?  
A Yes sir.
- Q Is there any further statement you desire to make before the Commission to-day? A No sir, I guess not.
- Q Do you speak or understand the Chectaw language? A No sir.

This applicant has medium fair complexion, brown hair, dark brown eyes; has the physical features and appearance of a white person. She does not understand or speak the Chectaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the Treaty of 1830.

-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 13, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 25 day of January, 1902.

*Hal Belford*  
*Clare Mitchell Wood*

Notary Public.

COPY

M C R 4350

Muskogee, Indian Territory, June 16, 1902.

Nancy Arvey Vininger,

French Lick, Indiana.

Dear Madam:

You are hereby advised that on the 4th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Cheetaws:

Francis Marion Brooks, et al.,	M C R 3350
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClinton,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton B. Brooks, et al.,	" 3359
Prise W. Brooks, et al.,	" 3360
Christopher G. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Andrew A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3410
Christopher G. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryle Brooks, et al.,	" 3490
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3418
Mary A. Cunningham, et al.,	" 3419
Maud L. Russell, et al.,	" 3420
Isla A. Moore, et al.,	" 3734
Richard M. Brooks, et al.,	" 3807
John H. Brooks, et al.,	" 4001
Minnie A. McElwain, et al.,	" 4002
Martha L. Brooks,	" 4008
Nancy Arvey Vininger, et al.,	" 4300
Robert A. Brooks,	" 4351
Willie Blackwell,	" 4352

These applications were made under the provision of the act of Congress of June 26, 1898, (30 Stat., 498) which is as follows:

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Barnett, James Harvey Barnett, Ollie Clarinda Barnett, Solly Brate Barnett, Levella Strong, Minnie Lee Strong, John Franklin Barnett, Willie Ritchie Barnett, Bertice Ethel Barnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClellan, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton W. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher D. Brooks, Harney M. Brooks, Clara Ellen Brooks, Henderson Elms Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Andrew A. Brooks, Mattie B. Brooks, Minnie F. Brooks, Mattie L. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher G. Bomberger, Harvey G. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Sam Nya Bomberger, Othel Paul Bomberger, Ava Price Bomberger, William Ely Brooks, Essie Brooks, Alice Brooks, Essie Brooks, Willie Brooks, Luther Brooks, John E. Brooks, Wiley Brooks, Devie Brooks, Henry Brooks, Elton Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Mamie F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russem, Grover C. Russem, Robert L. Russem, Ella M. Russem, Iola A. Moore, Bart Moore, Minnie E. Moore, Eddie C. Moore, Cora

NAW 63

A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lerena McMenamy, Reba McMenamy, -- McMenamy, (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Tamq Birby.*

Registered.

Acting Chairman.

Miss. Chas. 4350

Muskogee, Indian Territory, July 17, 1902.

H. E. Wells,

Postmaster,

French Lick, Indiana.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, advising that a registered letter, forwarded by this Commission on June 10th to Nancy Arvey Winger, French Lick, Indiana, remains in your office, uncalled for, and asking for further information relative to the party to enable you to locate her.

You are advised that we are unable to furnish you any further information as to the whereabouts of this person and if you are unable to locate the addressee after diligent search, kindly return same to this office.

Yours truly,

Commissioner in charge.

COPY.

M O R 4350

Muskogee, Indian Territory, October 17, 1902.

Nancy Arvey Wininger,

French Lick, Indiana.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

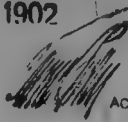
(SIGNED)

*Jame Bixby.*  
Acting Chairman.

4350

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**

AUG 1 1902

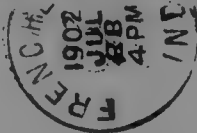


ACTING CHAIRMAN





#94



# Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



8956

~~Nancy J. Winger,~~

~~French Creek,~~

~~Indiana.~~

For Identification as a Mississippi Choctaw.

Date DEC 13 1901

Name Nancy A Winger

Age 22

Blood 1/16

Post Office, French Lick Indiana

Father: John M. Brooks ✓

Mother: Mary J. Brooks ✓

Claims through

father

Husband

Egghil Winger ✓

no claim for husband  
Claim for self & one child

Children:

Alleta Winger 4

Stenographer

H. B. Pelford

Choctaw MCR 4351

Robert A. Brooks

See MCR 3358

MCR 4351

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, Indian Territory, December 13, 1901.

#4351.

In the matter of the application of Robert A. Brooks  
for identification as a Mississippi Choctaw.

Galloway & Hafflin, Attorneys for applicant.  
(No appearance).

Robert A. Brooks, being first duly sworn, upon his  
oath testifies as follows:

Examination by the Commission.

- Q What is your full name? A Robert A. Brooks.  
Q How old are you? A Twenty-six.  
Q How much Choctaw blood do you claim? A A sixteenth.  
Q What is your post office address? A Quanah, Texas.  
Q How long have you lived at Quanah, Texas? A About two months.  
Q Two Months-----where did you live before going to Quanah? A  
Clarendon,  
Texas? A Yes sir.  
Q Were you born in Texas? A Yes sir.  
Q Never lived anywhere else? A Never lived any where else.  
Q Except in the state of Texas-----is your father living? A Yes  
sir.  
Q What is his name? A John M. Brooks.  
Q How old is your father? A He's fifty-two.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary S. Brooks.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Father.  
Q Who? A My father.  
Q Your father-----has your father ever been recognized in any man-  
ner or enrolled as a member of the Choctaw tribe of Indians in the  
Indian Territory by the Choctaw tribal authorities or the authori-  
ties of the United States? A No sir.  
Q Were your father and mother legally married? A Yes sir.  
Q When and where did they marry? A They married in Grayson County,  
Texas, in '71.  
Q Were they married under a license? A Yes sir.  
Q By an official or a minister? A Minister.  
Q Have you their marriage license and certificate with you? A No

(2).

for the lawyers has it.

Q The lawyers has it? A Yes sir. They said they would send it in. I got it the other day.

Q It will be necessary for you to furnish the Commission with evidence of the marriage of your father and mother. A Necessary for each one?

Q Yes, necessary for each one. A A copy of father's.

Q You can furnish the original marriage license and certificate or a certified copy of it. Are you married? A No sir.

Q You claim for yourself alone then? A Yes sir.

Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you or anyone for you ever make application for enrollment as a member of the Choctaw Tribe of Indians to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Do you come before the Commission at this time to claim rights in the Choctaw lands in the Indian Territory under the provisions of the XIV Article of the Treaty between the United States Government and the Choctaw Indians concluded in Mississippi on the 27th day of September, 1830? A Well, I don't know about that.

Q Did you ever hear of the Treaty of 1830 between the United States Government and the Choctaw Indians? A I knew there was such a treaty, but I never knew anything about it.

Q The Treaty of Dancing Rabbit Creek, so called from the fact that it was entered into between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi, was entered into on the 27th day of September, 1830. At the time this Treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama. The object of the Treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi to a new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians. At the time that Treaty was made some of the Choctaws were unwilling to remove to this new country west of the Mississippi River, but preferred to remain in Mississippi in what constituted the old Choctaw Nation. For the benefit of this class of Indians the XIV Article was put into the Treaty. That XIV Article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation

(3).

of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand this XIV Article? A Yes sir, I think I understand it pretty well.
- Q This XIV Article required that in case a Choctaw desired to remain in Mississippi and receive land from the Government under its provisions, he should, within six months from the date of the ratification of the Treaty-----the Treaty was ratified on the 24th of February, 1830-----appear before the Indian Agent-----the United States Indian Agent in Mississippi and signify to him his intention to remaining in the state and become a citizen of the state, and accepting land under the provisions of this article. After his signifying his intention he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines. And if he had a child in his family over ten years of age he was entitled to one-half that quantity or three hundred and twenty acres for each child over ten years of age. For each child under ten years of age he was entitled to one quarter section or one-hundred and sixty acres of land; the reservations of the children to adjoin the reservation of the parent. All these reservations to include the improvement which the head of the family owned at the time that Treaty was concluded, that is, the 27th day of September, 1830. Now this Choctaw was further required under the provisions of this treaty to remain on said land for a term of five years, after which time a title in fee simple would be given him; that is, after having resided on that land for five years the land would become his own and he could dispose of it after it became his own in any manner he desired. The last clause of the XIV Article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that the Choctaws who preferred to stay in Mississippi and become citizens of the States and receive land under Article XIV, should not by so doing forfeit his Choctaw citizenship in the new Choctaw Nation, but that he would forfeit any rights which he might have to any annuity which was paid the

(4).

Choctaw Indians by the Government. Annuities were moneys paid to the Choctaw Indians under the Treaties. Now do you think you understand the provisions of the XIV Article now? A Yes sir.

Q What is the name of your ancestor who lived in Mississippi in 1830 at the time this Treaty was concluded? A Thomas Kelley, I believe.

Q Thomas Kelley-----did Thomas Kelley ever comply with the provisions or attempt to comply with the provisions of this treaty, or Article XIV of the Treaty? A Not that I know of.

Q Was Thomas Kelley a recognized member of the Choctaw Tribe of Indians at that time? A I don't know.

Q Do you know whether this Choctaw ancestor of yours owned any improvement in Mississippi at the time this Treaty was concluded? A No sir, I don't.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi to the Choctaw Nation, Indian Territory at the time of the removal of the main portion of the Indians between the years 1833 and 1838? A That Kelley is supposed to have moved I think.

Q Kelley did move? A From Mississippi.

Q To the Indian Territory? A Yes sir.

Q Do you know then whether he resided in the Indian Territory after his removal? A No sir, I do not know.

Q Do you know anything about Thomas Kelley then after he moved from Mississippi to the Indian Territory? A No sir.

Q How do you know that he moved to the Indian Territory? A Well, I don't know only from what-----

Q From what you have heard? A From what I have heard, that's all I know about it.

Q That is your family history then that Thomas Kelley moved from Mississippi-----that Choctaw Nation, Mississippi to the Choctaw Nation Indian Territory? A Yes sir.

Q Did you ever hear any of your family say what year or month? A No sir.

Q Don't know whether it was between the years 1833 and 1838 or not? A No sir.

Q Then if Thomas Kelley moved from the old Choctaw Nation in Mississippi to the Choctaw Nation Indian Territory, he could not have gone before this Indian Agent in the state of Mississippi and signified his intention of staying there and taking land under this XIV Article of the Treaty, could he? A No sir.

Q Then so far as you know this Choctaw ancestor of yours, Thomas Kelley, never complied with or attempted to comply with the provisions of the XIV Article of the Treaty? A That's the way I understand it.

Q You understand, you say, that he didn't? A Yes sir.

Q Do you know whether this Choctaw ancestor of yours ever received any benefits as a Choctaw Indian from the United States? A I do not.

Q By benefits I mean lands? A No sir, I do not.

Q In accordance with the provisions of this XIV Article the Indian Agent in Mississippi, Colonel Ward, was directed to register the names of all the Choctaws who signified to him their intention of remaining in the state and becoming citizens, and who wanted to receive land under the provisions of this article, but the records of the Government show that Colonel Ward only registered comparatively few names of the large number of Choctaws who did remain in the state of Mississippi, and when a locating agent was sent to

(5).

Mississippi to locate the lands of those Indians who desired to remain a great many complaints were made by Indians that they had gone before Colonel Ward and signified their intention of staying in Mississippi and becoming citizens of the states and taking lands, and the complaints finally reached Congress and Congress under various acts sent Commissioners into Mississippi to investigate these claims. The Commissioners investigated a great many of the claims, allowing some, and rejecting others. In cases where the claims were allowed and approved by the Secretary of War the Indians were given the lands. Do you know now whether any of your ancestors ever went before these Commissions and attempted to establish any claim which they might have as Indians under this XIV Article? A No sir, I do not.

- Q Some of these Indians who remained in the state of Mississippi owned improvements on lands and these lands they desired reserved for them, but their names not having been reported by the Indian Agent they were dispossessed of the lands and the lands were sold at public land sales of the Government. These Indians appeared before the Commissions which I have just referred to as having been appointed by Congress, and those who established their claims the lands were given to them if the lands had not been sold. If the lands had been sold they were given scrip under an act of Congress in lieu of any lands they had lost by having been sold. Do you know whether any of your ancestors ever received any scrip from the Government or not? A No sir, I don't know.
- Q Do you know whether any of your ancestor ever received any benefits as Choctaw Indians? A No sir, I couldn't say. I don't know.
- Q Have you any witnesses before the Commission to-day that you desire to introduce in support of your application? A No sir.
- Q Have you any documentary evidence, any papers, you want to file in support of your application at this time? A Yes sir

The sworn statement of Robert A. Brooks, presented by him received, filed, marked Exhibit "A" and made a part of the record in this case.

- Q Have you any relatives who have appeared before the Commission to apply for identification as Mississippi Choctaws? A Before me? Yes sir.
- Q Give me the names of such ones as have applied? A J. M. Brooks.
- Q J. M. Brooks-----who is J. M. Brooks? A Is my father.
- Q Do you desire the record made in the case of J. M. Brooks made a part of the record in your case? A Yes sir.
- Q Do you derive your Choctaw blood from the same source that J.M. Brooks does? A Yes sir.
- Q Is there anything further you desire to say in your case at this time? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has medium fair complexion, dark brown hair, dark brown eyes; has the physical features and appearance of a white person. He does not understand or speak the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the Treaty of 1830.

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(6).

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 13, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 25<sup>th</sup> day of January, 1902.

*Hal Belford*  
*Charles Mitchell Wood*  
Notary Public

Muskogee, Indian Territory, June 1<sup>6</sup>, 1902.

Robert A. Brooks,

Quannah, Texas.

Dear Sir:

You are hereby advised that on the 4th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClenden,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrose A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3498
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Gunningham, et al.,	" 3619
Maud L. Russon, et al.,	" 3820
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3808
John M. Brooks, et al.,	" 4091
Minnie A. McManamy, et al.,	" 4092
Charles L. Brooks,	" 4093
Nancy Arvey Wininger, et al.,	" 4350
Robert A. Brooks,	" 4351
Willie Blackwell,	" 4352

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Solly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank G. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price M. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur D. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambros A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie M. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othel Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Essie Cunningham, Joseph M. Cunningham, Maud L. Russen, Grover C. Russen, Robert L. Russen, Bula M. Russen, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Fay E. Brooks, John M. Brooks, Eva

R A B #3

Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy,--  
McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Winin-  
ger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as  
Choctaw Indians entitled to rights in the Choctaw lands under  
the provisions of said article fourteen of the treaty of 1830  
and that the applications for their identification as such should  
be refused, and it is so ordered."

You are further advised that the Commission has on this  
date forwarded the record in this case to the Secretary of the  
Interior for review and you will be informed in due time of such  
action as may be taken by him.

Yours truly,

(SIGNED). *Tams Dixby.*

Registered.

Acting Chairman.

COPY.

M C R 4351

Muskogee, Indian Territory, October 17, 1902.

Robert A. Brooks,  
Quannah, Texas.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 18th day of June, 1902.

Respectfully,

<sup>WED</sup> *Tamie Dixby.*  
Acting Chairman.

For Identification as a Mississippi Choctaw.

Date DEC 13 1901

Name Robert A. Brooks

Age 26 Blood 1/16

Post Office, Quanah Texas

Father: John M. Brooks ✓

Mother: Mary J. Brooks ✓

Claims through father

Claim for self alone

Children:

Stenographer W. E. Bulford

Choctaw MCR 4352

Willie Blackwell

See MCR 3358

MCR 4352

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 13, 1901.

#4552.

In the matter of the application of Willie Blackwell  
for identification as a Mississippi Choctaw.

Galloway & Heflin, Attorneys for applicant.  
(No appearance).

Willie Blackwell, being first duly sworn, upon her  
oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Willie Blackwell.  
Q Blackwell? A Yes sir.  
Q What is your name-----your full name? A Willie Blackwell.  
Q Willie? A Yes sir.  
Q W-i-l-l-i-e? A Yes sir.  
Q What is your age? A Eighteen.  
Q How much Choctaw blood do you claim to be possessed of? A One-  
sixteenth.  
Q What is your post office address? A Clarendon, Texas.  
Q How long have you lived in Clarendon? A About a year.  
Q Where did you live prior to that time? A Whiteboro, Texas.  
Q Have you lived all your life in Texas? A Yes sir.  
Q Born in the state? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A John M. Brooks.  
Q John M. Brooks-----how old is your father? A Fifty-two.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary S. Brooks.  
Q How old is your mother? A Forty-nine.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Father.  
Q Where does your father reside? A Quanah, Texas.  
Q Has he always lived in Quanah Texas? A No sir.  
Q Where was he born? A In Kentucky, I believe.  
Q In Kentucky-----did your father ever live in Mississippi? A Not  
that I know of.  
Q Has your father ever been recognized in any manner or enrolled as  
a member of the Choctaw tribe of Indians in the Indian Territory,  
by the Choctaw tribal authorities or the authorities of the United  
States? A No sir.



(2).

- Q Are you married? A Yes sir.
- Q What is your husband's name? A Cuba Blackwell.
- Q Cuba? A C-u-b-a .
- Q C-u-b-a ? A Yes sir.
- Q Does your husband make any claim to Choctaw blood? A None that I know of.
- Q Do you make any claim for him? A No sir.
- Q He is living, is he? A Yes sir.
- Q Have you any children that you desire to make claim for? A No sir.
- Q Then this claim is for yourself alone? A Yes sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or anyone for you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you come before the Commission at this time claiming rights in the Choctaw lands in the Indian Territory for yourself under the provisions of the XIV Article of the Treaty made between the United States Government and the Choctaw Indians on the 27th of September, 1830? A I don't know. If it's right. If it isn't I don't know what.
- Q This Treaty was entered into on the 27th day of September, 1830 between the United States Government and the Choctaw tribe of Indians. At the time the Treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the western boundary line. The object of the Treaty was to secure the removal of the Choctaw Indians from the old Choctaw Nation in Mississippi to the new country west of the Mississippi River. At the time the Treaty was made some of the Choctaws were unwilling to remove to this new country west of the Mississippi River, but preferred to remain in what constituted the old Choctaw Nation in Mississippi and Alabama, and for the benefit of that class of Choctaw Indians the XIV Article was put into the Treaty and that article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that

(3).

quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall nor lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that Article? A Yes sir, I think I understand it.

Q This XIV Article required that in case a Choctaw desired to remain in Mississippi and receive lands from the Government under its provisions he should within six months after the treaty was ratified signify his intention to the Agent. That is, he must let the Agent know in some way that he desired to remain and take advantage of the provisions of the XIV Article. This Treaty was ratified on the 24th day of February, 1831. Now if a Choctaw did signify his intention to remain, he was entitled to one section of six hundred and forty acres of land to be bounded by sectional lines of survey. If he had a child in his family over ten years of age that child was entitled to one half that quantity, or three hundred and twenty acres of land, and if he had a child under ten years of age, that child was entitled to a quarter section of one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent, and these reservations must include the improvement of the head of the family; that is, the improvement owned by the head of the family at the time of the making of that Treaty, that is, the 27th day of September, 1830. Now by the provisions of this Article a Choctaw also was required to live on this reservation for five years from the time of the ratification of the Treaty, or five years from the 24th of February, 1831, after which time a title in fee simple would have been given him for this land, when he could dispose of the lands at his pleasure. The last clause of the XIV Article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that in case a Choctaw preferred to stay in Mississippi and become a citizen of the States and receive land under Article XIV, he should not by so doing forfeit his rights to citizenship in the new Choctaw Nation, Indian Territory, except that he did forfeit his rights to participate in the Choctaw annuities. The Choctaw annuities were moneys that were paid to the Choctaw Indians under the Treaties of the Government. Now do you think you understand this Article thoroughly, and the provisions of it, as explained to you now? A Yes sir.

(4).

- Q What is the name of your Choctaw ancestor who resided in Mississippi in 1830 at the time of this Treaty? A Thomas Kelley.
- Q Thomas Kelley-----what relation was Thomas Kelley to you? A He was my great-grandfather.
- Q You claim your Choctaw blood through your father, John M. Brooks. Now who did John M. Brooks get his Choctaw blood through? A From his mother, Julia Ann Kelley.
- Q Now what Relation was Julia Ann Kelley to Thomas Kelley? A Daughter.
- Q Daughter-----did any of your Choctaw ancestors ever comply with or attempt to comply with the provisions of the XIV Article of this Treaty? A Not that I know of.
- Q Was Thomas Kelley married and the head of a family and living in Mississippi at the time of the conclusion of this Treaty, September 27th, 1830? A I think he was married but I don't know about his living there or not.
- Q You don't know whether he was living in Mississippi in 1830 or not? A No sir.
- Q Was Thomas Kelley, so far as you know, ever recognized as a member of the Choctaw Tribe of Indians in 1830? A I think he was recognized, but I don't know whether it was at that time or not.
- Q Was he recognized by the Choctaw tribal authorities as a Choctaw Indian? A I do not know.
- Q Do you know whether any of your Choctaw ancestors owned any improvements on lands on the 27th of September, 1830, at the time this Treaty was made? A No sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama during the years-----between the years 1833 and 1838, at the time of the removal of the main portion of the Choctaw Indians to the Choctaw Nation Indian Territory? A Not that I know of.
- Q Do you know whether any of your Choctaw ancestors did, within six months from the ratification of the Treaty, signify to the Government Agent in Mississippi, his intention to remain in Mississippi and become a citizen of the States, and asked for benefits under the XIV Article of the Treaty? A No sir, I don't know.
- Q Did any of your Choctaw ancestors ever receive any lands from the United States Government in Mississippi under the provisions of the XIV Article of this Treaty? A None that I know of.
- Q In accordance with the provisions of the XIV Article of the Treaty the Government directed the Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that this Agent failed to register and report to the Government the names of a great many Choctaws who were----who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of the XIV Article of this Treaty. On this account in many instances the land on which Indians had improvements and which they desired reserved for them under this Article was sold by the Government at its public land sales and the Choctaws were deprived of their land. This action of the Government caused so many complaints by the Choctaws, that the matter was finally brought to the attention of Congress, and Congress under various acts appointed a Commission to go into Mississippi and investigate these claims. These Commissions heard a great many claims, some of them they allowed and some of them they rejected. Of the claims allowed, if approved by the Secretary of War and by the President, if the lands had not been sold at these

( 5 ).

public land sales the Indians were given the lands. If however, the lands had been sold, the last Commission was empowered to furnish scrip to those Indians in lieu of the lands that had been lost by having been sold. Do you know whether any of your ancestors ever received any scrip from the Government in lieu of the land which has been sold by the Government at public land sales?

A No sir, I do not.

Q So far as you know did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir, I don't know it if they did.

Q Are you a brother of the applicant Robert A. Brooks, who has just preceded you? A I am a sister.

Q John M. Brooks, the father of Robert A. Brooks is your father also? A Yes sir.

Q You derive your Choctaw blood from the same source as John M. Brooks and Robert A. Brooks? A Yes sir.

Q Do you desire the record in the case of John M. Brooks to be considered as and made a part of the record in your case? A Yes sir.

Reference is here made to M. C. R. 4091, John M. Brooks et al.

Q Is there any further statement you desire to make in support of your application today? A No sir, I believe not.

Q Do you speak or understand the Choctaw language? A No sir.

Applicant offers for filing her sworn petition which is received, filed, marked Exhibit "A" and made a part of the record in this case.

This applicant has black hair, black eyes, medium fair complexion; has the physical features and appearance of a white person. She does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of Article XIV of the Treaty of 1830.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December, 13, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901.

Subscribed and sworn to before me this 28 day of January, 1902.

*Hal Belford*  
*Lara M. Belford*  
Notary Public.

COPY.

M C R 4382

Muskogee, Indian Territory, June 16, 1902.

Willie Blackwell,

Glendon, Texas.

Dear Madam:

You are hereby advised that on the 4th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi

Cheataws:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3358
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrose A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3498
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Russen, et al.,	" 3820
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McHenry, et al.,	" 4092
Charles L. Brooks,	" 4093
Nancy Arvey Wininger, et al.,	" 4350
Robert A. Brooks,	" 4351
Willie Blackwell,	" 4382

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Solly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClelland, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher G. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrose A. Brooks, Hattie E. Brooks, Minnie P. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russon, Grever C. Russon, Robert L. Russon, Ella M. Russon, Iola A. Moore, Burt Moore, Winnie E. Moore, Eddie C. Moore, Cera

A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, -- McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identifications such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Tamc Bixby.*

Acting Chairman.

Registered.

COPY.

M C R 4352

Muskogee, Indian Territory, October 17, 1902.

Willie Blackwell,

Clarendon, Texas.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

(SIGNED)

W. H. H. H. H.  
Acting Chairman.



## For Identification as a Mississippi Choctaw.

Date --- 13 1901

Name Willie Blackwell

Age 18 Blood 1/16

Post Office, Clarendon Texas

Father: John M. Brooks

Mother: Mary T. Brooks

Claims through Father

Husband

Cuba Blackwell

no claim further

Claims for self alone

Children:

Stenographer Hal Belfin

Choctaw MCR 4353

Amos Griffith

MCR 4353

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amos Griffith, et al.,  
for identification as Mississippi Choctaws, H C R 4353,

List of papers forwarded to the Secretary of the Interior  
with the record in the above case, together  
with the page occupied by each  
in said record.

Original application of Amos Griffith, et al., for identification as Mississippi Choctaws.	Page. 1
Certificate of M. E. Sanderson, Circuit Clerk of Little River County, Arkansas.	11
Sworn Certificate of Amos Griffith.	12
Ex parte affidavit of Ike Duckett.	13
Ex parte affidavit of Tobe Nolan.	13
Final decision of the Commission in the case of Amos Griffith, et al., applicants for identi- fication as Mississippi Choctaws, denying said application.	25

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, December 13, 1901.

#4353.

In the matter of the application of Amos Griffith for the identification of himself and his eleven minor children, Henrietta, Maffie, Rosie, Devie, Evaline, Rossie, Walter, Amos, Minnie, Jennie and Flora Griffith, as Mississippi Choctaws.

Applicant not represented by Attorney.

Amos Griffith, being first duly sworn, upon his oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Sir?
- Q What is your name? A Amos Griffith.
- Q Amos Griffith? A Yes sir.
- Q What is your age? A I was born in 1854-----'53 I should say.
- Q '53-----that would make you forty-eight years of age would it?
- Q A I reckon so. Would it be that?
- Q How much Choctaw blood do you claim to be possessed of? A Well sir, what I just claim is my mother used to tell me that my grandfather was an Indian.
- Q Your grandfather was an Indian? A Yes sir. My mother was a halfbreed. She was always called an Indian.
- Q You don't know how much Choctaw blood you possess yourself? A Well no sir, I don't know. I supposed the way I looked at is, I supposed I was about one-fourth.
- Q What is your post office address? A Ashdown, Arkansas. Ashdown, Little River County, Arkansas.
- Q How long did you live in Ashdown, Arkansas? A Ever since I was five years old.
- Q Where were you born? A I was born in Lauderdale County, Mississippi.
- Q You were born in Mississippi and moved from that state when you were five years old to Arkansas? A Yes sir.
- Q And have lived in Arkansas since? A Yes sir.
- Q You never lived in the Indian Territory did you? A No sir, never did.
- Q Is your father living? A No sir.
- Q What was his name? A My father was a Griffith.
- Q What was his given name? A John Griffith.

(2).

- Q How old would your father be if he were living now? A Why, I don't know sir, when he was born. I am not able to tell. I was quite young when my mother died and I am not able to tell how old he would be.
- Q Well, do you recollect your father? A Yes sir.
- Q How old a man do you think he was when he died? A I think he might have been fifty or sixty years old.
- Q When he died? A Yes sir.
- Q Do you know what year he died in? A I don't know just exactly.
- Q About how long? A It's been-----.
- Q About how long ago? A About eight or ten years.
- Q About eight or ten years? A May be not quite so long.
- Q Your father would be about sixty or seventy years of age if he were living now? A Yes sir, he would be older than that.
- Q He'd be older than seventy? A About seventy, somewhere along there.
- Q Is your mother living? A No sir, my mother died in '72.
- Q What was her name? A She sometimes-----after freedom she went by the name of Dicey Fulson, but her owners was Griffiths.
- Q What name did she go by at the time of her death? A She went by the name of Dicey Fulson.
- Q Did she marry a man by the name of Fulson? A No sir, that's the name of her father she said.
- Q Name of her father? A Yes sir.
- Q Through which one of your parents do you claim your Choctaw blood? Who do you get your Choctaw blood from? A I get it from my mother.
- Q How much Choctaw blood did your mother have? A Why I think now, if I remember right----it's been a good while since her death-----she told me she was a half-breed.
- Q What was the other half? A Negro.
- Q Was your mother a slave? A Yes sir, she was a slave until-----.
- Q Where did your mother die? A She died in Little River County, Arkansas, near Richmond.
- Q Where was she born? A She were born in Mississippi.
- Q In Mississippi-----who did your mother get her Choctaw blood from? A She told me that her father was a Choctaw by the name of Fulson.
- Q Did this grandfather Fulson of yours live in Mississippi? A Why yes sir, that's what she said about it. I don't know it of my own knowledge. I was brought away from there very small.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A No sir, not that I know of. Most ever I heard of her father called Choctaw was by the folks at home.
- Q Have you got any evidence of the marriage of your grandfather and grandmother. No sir, I haven't-----what did you say? I didn't understand you.
- Q Any evidence of the marriage? A No sir, I haven't.
- Q Any marriage license of your grandfather and grandmother? A No sir, I haven't.
- Q Was your grandfather a slave also? A Not that I know of. I never heard her say he was.
- Q You have heard your mother was though. How much Choctaw blood did your grandfather have? A My mother said my grandfather was a fullblood Choctaw.
- Q Fullblood Choctaw? A Yes sir.

(3).

- Q Was your father, John Griffith a slave? A No sir.  
Q What race was he? A He was of the White race.  
Q A white man, was he? A Yes sir.  
Q Are you married? A Yes sir.  
Q Are you living with your wife? A Yes sir.  
Q What is the name of your wife? A Jennie Duckett was her name before she married me. It's Jennie Griffith now. She was a Miss Duckett when I married her.  
Q Has your wife any Choctaw blood? A No sir.  
Q You make no claim for her? A No sir.  
Q When and where were you and your wife married? A We were married in Little River County, Arkansas, five mile east of Richmond.  
Q Were you married under a license? A Yes sir.  
Q Were you married by an official or a minister? A Married by a minister.  
Q Have you got your marriage license and certificate with you at this time? A I havn't got them, but I have got an affidavit made before the Notary Public in Ashdown. You can look at it. My license-----why I didn't get them. The Court House has been burned since I married.

The applicant here submits a sworn document certifying that he is a man of family with a wife and twelve children.

- Q This is not sufficient evidence of your marriage. The Commission will require that you furnish the Commission with your marriage license and certificate; the original, or, if it is impossible to furnish the original that you get a certified copy if you can. If you can't get a certified copy the Commission will accept the affidavits of three witnesses who saw you married. A Yes sir, it's well known I am married. I can send that. The reason why I didnt go to the County Clerk is was about six miled out of my way and I couldn't have got it as soon as I did this. It's well known though all over the County there I have been married ever since the 16th day of-----let me see-----.
- Q Have you any children under twenty-one years of age and unmarried whom you wish to make application for at this time? A Yes sir.
- Q Give me the names and ages now, commencing with the oldest. A I couldn't give them without getting my family record. I have got that up there.
- Q You can give the names, can't you? A Yes sir.
- Q Commence with the oldest. A The oldest one is a married one.
- Q Well, we don't want her. She will have to apply herself. We want the name of the oldest unmarried one and under twenty-one years of age? A Henrietta Griffith.
- Q The next? A Moffie Griffith.
- Q Martha? A Moffie.
- Q Next? A Rosie Griffith.
- Q Well? A Dovie.
- Q What? A Dovie Griffith.
- Q Dovie? A Yes sir.
- Q Next? A Evaline.
- Q Emeline? A Evaline Griffith.
- Q Well? A Rossie Griffith.
- Q Well, who comes after Rossie? A Walter Griffith.
- Q Well? A Amos Griffith.

(4).

- Q Well? A Minnie Griffith.
- Q Well? A Jennie Griffith.
- Q Well? A Flora Griffith.
- Q Is that all? A Yes sir, except the married one.
- Q What is the name of this married daughter of yours? A Cornelia Griffith.
- Q Well, what is her husband's name? Her married name? A Well, they don't live in the country I live in. John-----John-----Oh! I tried to get his name straight. I can't call it for you. John-----John Hewett.
- Q Hewett? A yes sir, John Hewett.
- Q H-e-w-e-tt. Has this daughter got any children? A One.
- Q What is the name of that child? A They havn't lived about me enough for me to recollect that child's name. I don't believe I can call that little child's name. She hasn't lived about me but very little since she's been married. I know its name but I declare I don't believe I can recollect it. It's just a baby.
- Q Are you the father of all these children that you have named here? A Yes sir, them's my legal lawful children.
- Q Jennie Griffith is their mother? A Yes sir.
- Q All these children living with you? A Yes sir.
- Q Then this application is for yourself and eleven children? A Yes sir.
- Q Is your name or the name of any of your children to be found upon any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir, not that I know of.
- Q Did you or anyone for you or for your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir, not that I know of.
- Q Did any one for you or for your minor children or did you in the year 1896, make application to the Commission for the five civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw nation? A No sir.
- Q Do you now come before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory for yourself and your minor children under the provisions of the XIV Article of the Treaty between the United States government and the Choctaw tribe of Indians concluded in Mississippi on the 27th day of September, 1830? A Yes sir.
- Q This Treaty was concluded at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. At the time the Treaty was made the Choctaw Indians occupied a portion of the State of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the Treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi to a new country west of the Mississippi River part of which is now occupied by the main portion of the Choctaw Tribe of Indians. At the time the Treaty was made some of those Choctaws were unwilling to remove to this new country west of the Mississippi River, but preferred to remain in what constituted the

(5).

old Choctaw Nation. For the benefit of this class of Indians Article XIV was put into the Treaty. That Article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become ~~citizens of the States for five years after the~~ ratification of this Treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Do you understand that article. Yes sir. If I ever remove-----I don't understand that part of it.

Q Well, that part of it means this: If they ever remove they shall not forfeit the rights of Choctaw citizens, but did forfeit any rights which they might have to participate in the Choctaw annuities. The Choctaw annuities were moneys which were paid to the Choctaw tribe of Indians under treaties between the Choctaw tribe of Indians and the Government. They did forfeit any rights which they did have to these moneys but they still held their right to citizenship in the Choctaw Nation, Indian Territory if they ever removed from the old Choctaw Nation, Mississippi. Do you think you understand that? A I think I do some.

Q Well, I will explain further. The XIV Article required that in case a Choctaw desired to remain in Mississippi and become a citizen of the States and accept benefits under this XIV Article, that he should within six months from the time the Treaty was ratified by Congress, the Treaty was ratified on the 24th of February, 1831 go to the Indian Agent in Mississippi and let that Agent know that he so desired to remain and take lands under this XIV Article. In case he did perform those acts of notifying the Agent he was entitled to a reservation of six hundred and forty acres of land as the head of a family, this land to be bounded by sectional lines of survey; and, if he had a child over ten years of age, he was entitled to three hundred and twenty acres for such child, and for each child under ten years of age, he was entitled to a quarter section or one hundred and sixty acres of land. The reservations of the children to adjoin the reservation of the parent, and all these reservations to include the improvement owned by the head of the family on the 27th of September, 1830, the time the treaty was concluded between the Indians and the Government.



(6).

In case this Indian remained upon his lands for five years after receiving them from the Government, he was to be given a title in fee simple, when he could dispose of his lands at his pleasure. The last clause of that Treaty I have just explained to you. That is,

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

I explained that to you. That means that he would still retain his rights of citizenship in the Choctaw Nation, Indian Territory, in case he removed from the old Choctaw Nation in Mississippi. Now what is the name of your ancestor who resided in Mississippi in 1830 at the time of the conclusion of this Treaty? A Well sir I can't be positive about that. I'll just tell you what I have often heard my mother say when I was a boy. She said that her father was named Fulson-----my grandfather was named Fulson. She often told me that.

- Q Well, did this grandfather of yours-----did he reside in Mississippi in 1830 at the time of the conclusion of this Treaty? A I do not know. I couldn't say.
- Q Do you know whether he was the head of a family at that time? A No sir, I don't know.
- Q Do you know whether this ancestor Fulson, of yours, was a recognized member of the Choctaw tribe of Indians at the time of the conclusion of the Treaty? A I don't know. I just took her word for it.
- Q What did she say about it? That he was a fullblood Indian? A Yes sir, she said he was a fullblood Indian.
- Q You don't know then whether he was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A No sir, I don't know that. Now, there's my children.
- Q We will put them in later on. Do you know whether any of your Choctaw ancestors owned any improvement at the time of the conclusion of this Treaty, September 27, 1830? A No sir, I don't know.
- Q Do you know whether any of your Choctaw ancestors moved from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory with the Choctaws-----moved to this country between the years 1833 and 1838? A No sir, I don't know.
- Q Do you know where this Choctaw ancestor of yours, Fulson, lived or where he died? A No sir, I do not.
- Q Don't know anything about him except what you have heard? A No sir.
- Q All you do know about him is you have heard your mother say he was a fullblood Indian? A yes sir, that's all I know about him.
- Q Then you don't know whether this ancestor of yours went before the Indian Agent in Mississippi and told him he wanted to stay in the state and accept lands under this Article of the Treaty, and that he did go before him within six months after the ratification of the Treaty? A No sir, I don't know.
- Q In accordance with the provisions of the XIV Article the Government directed an Agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and be-

(7).

come citizens of the States. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention of remaining in Mississippi and taking land there under Article XIV of the Treaty. On this account in many instances the land on which Indians had improvements and which they desired reserved for them under Article XIV was taken from them by the Government and sold at public land sales. This action of the Government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress and Congress approved an act which was approved March 3, 1837, providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence where Choctaws made claim that they had complied with the provisions of Article XIV of the Treaty but had not received land thereunder. By act of Congress approved February 22, 1838 the Commission was continued until August, of 1838. This Commission was duly appointed by the president and the Commission went to Mississippi and heard a few of these Choctaw cases but in the time allowed by Congress they were able to hear only a comparatively small number of cases. In August, 1838 this Commission made a report of their work. Later Congress appointed another Commission by an act approved August 23, 1842. This second Commission also had authority to hear the cases of the Choctaws who claimed that they had complied with the provisions of the XIV Article, but had never received any lands. This second Commission was duly appointed by the President and the Commission went into the state of Mississippi and heard a great many cases. Now did your ancestor, Fulson, go before any of these Commissions and attempt to establish any claim to lands that he might have under the provisions of this XIV article of this Treaty? A No sir, not that I know of.

- Q By an act of Congress approved August 23, 1842 it was provided that in case it should be finally determined that a Choctaw Indian had complied with all the provisions of this XIV Article of the Treaty, but that his land had been sold by the Government, he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did your ancestor Fulson own any land in any of those states? A None that I know of.
- Q Do you know whether he ever received any scrip from this Commission? A None that I ever knowed of.
- Q So far as you know your ancestors never received any benefits as Choctaw Indians? A No sir.
- Q Have you any witnesses that you want to introduce in support of your application to-day? A Why, I have Cos Griffith here.
- Q What do you want to prove by him? A Well, he can tell more about grandfather and the relationship to the Indians in Mississippi than I can.
- Q Well you don't claim through your father? A My grandfather, or mother, I should say.
- Q Do you want to introduce him after you are through with your testimony to testify in your behalf? A Yes sir.
- Q The Commission will head his evidence. Do you know of any documentary evidence such as deeds to land, patents to land, that will tend to show that your ancestor is a Choctaw Indian? A No sir I don't know of none.

(8).

- Q Have you any written or documentary evidence, any papers that you want to file with the Commission at this time in support of your application? A No sir, I havn't.
- Q Is there any further statement you desire to make in support of your claim at the present time? A No sir.
- Q Now you can take your paper there and read the names and ages of your children. A You have got the names havn't you.
- Q Yes, we have got the names. Now call out their ages. Henrietta? A Nineteen.
- Q Moffie? A Seventeen.
- Q Rosie? A Fifteen.
- Q Dovie? A Fourteen.
- Q Evaline? A Twelve.
- Q Rossie? A Ten.
- Q Wal er? A Eight.
- Q Minnie? A Six.
- Q Amos? A Four.
- Q Janie? A Three.
- Q You have got Janie here instead of Jennie. A Jennie is right.
- Q Now Flora, how old is that youngest one? A She's about two years old.
- Q Flora two. Do you speak or understand the Choctaw language? A No sir, I don't. I am mighty sorry I couldn't. I like to starved to death for water just because I couldn't understand them.

This applicant has black curly hair; has the appearance and physical features of a person of mixed white and African Blood. He does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the XIV Article of the Treaty of 1830.

-----:-----

Cos Griffith, being called as a witness in the above entitled cause, and being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Cos Griffith.
- Q What? A Cos Griffith.
- Q Coswell? A Cos-----Cos.
- Q How old are you? A Well, I am along about eighty-five or eighty-six years old as near as I can get at it.
- Q Where do you live? A I live in Little River County, Arkansas.
- Q What is your post office address? A Richmond.
- Q Richmond, Arkansas? A Yes sir.
- Q Where were you born? A I was born in South Alabama.
- Q Where? A South Alabama.
- Q South Alabama? A yes sir.
- Q Did you ever live in Mississippi at any time? A Yes sir.
- Q What part of Mississippi did you live in? A Lauderdale County.

(9).

- Q Did you move from Mississippi to Arkansas? A Yes sir. I went from Mississippi to Alabama.
- Q And from Alabama to Arkansas? A Yes sir.
- Q Do you know Amos Griffith who appeared for identification as a Mississippi Choctaw here to-day? A Yes sir.
- Q Did you know Amos Griffith's mother? A I did.
- Q What was her name? A She was named Dicey Griffith before we were freed and after we were freed she went by Dicey Fulsom.
- Q How much Choctaw blood did Dicey Griffith-----was she possessed of? A Well, her father was a fullblood Choctaw.
- Q What was her mother's blood? A Her mother?
- Q Yes? A Her mother died before I come to Mississippi. I am talking about his grandmother.
- Q Yes. Did she have any Choctaw blood? A No sir, she didn't have the Choctaw blood. Her Choctaw blood come through her father.
- Q From her father entirely? A From her father.
- Q How much Choctaw blood was the father possessed of? A He was a fullblood Choctaw.
- Q He was a fullblood Choctaw? A Yes sir.
- Q Did you know him in his lifetime? A Yes sir.
- Q Did he speak the Choctaw language? A Yes sir, he spoke the Choctaw language, but he could talk plain language, but he talked more Choctaw.
- Q Where did he live when you knew him? A In Lauderdale County.
- Q What year did you move to Arkansas? A I think as near as I could state it was in '58.
- Q How old a man was this man Fulsom when you moved to Arkansas? A I think when we left Mississippi he must have been about twenty-eight or thirty years old.
- Q And you left Mississippi what year? A I disremember what date he left. I couldn't tell you.
- Q What date did you leave Mississippi? A I leave?
- Q Yes? A I left-----let me see-----in '58.
- Q In '58? A Yes sir.
- Q Now how old a man was this Fulsom, Dicey Griffith's father when you left there? A I couldn't tell because I couldn't exactly tell about an Indian's age, but I expect he was may be twenty-eight or thirty-eight years old.
- Q He was about twenty-eight or thirty years old in '58? A Yes sir I couldn't tell you anything about his age.
- Q What was his given name? A Amos Fulsom.
- Q Amos Fulsom? A Yes sir.
- Q Did he own any land in Mississippi? A No sir.
- Q Didn't own any land? A No sir.
- Q Or any improvements? A No sir.
- Q Then if he was about twenty-eight years of age in '58 that would make Mrs. Fulsom's father born about 1830 wouldn't it? A Something close along in there. I couldn't exactly tell his age.
- Q But he was about twenty-eight years of age when you left Mississippi? A Yes sir.
- Q And you left Mississippi in '58? A Yes sir. I couldn't tell you anything about the age, but I just guessed at it.
- Q Do you know anything about Amos Fulsom's father? A No sir.
- Q Do you know anything about his family at all? A I knowed him but I didn't know any more Fulsoms. I think there was some more Fulsom's there too. I think there was a Fulsom named Page.
- Q What kin was he to Amos? A I believe he was a brother.
- Q Brother? A Yes sir

(10).

- Q Anyothers? A Page Fulson, Amos Fulson, Coleman Fulson, Ellis Fulson, Dennis Fulson. Now if I makes no mistake they are a son of old Keith Fulson I believe.
- Q Of who? A Keith. I ain't going to be sire now.
- Q All these names you are giving here are Amos Fulson's brothers? A I can't tell whether they are Fulson's brothers or not. They was Fulson's I can't tell.
- Q Well, did you know in Mississippi Amos Fulson's father? A No sir.
- Q You don't know anything about his father? A Only that he said he was Keith Fulson's son.
- Q You never saw him? A Keith? No sir.
- Q Don't know that he was Amos' father at all? A I don't know who Amos' father was.
- Q Did Keith Fulson live in Mississippi? A I don't know.
- Q Did you know Amos Fulson's father? A No sir, I didn't know him.
- Q Did you know his mother? A No sir. Put it down there that Ellis Fulson was a fine minister.
- Q Is that all you know about the Indian blood of this applicant here Amos Griffith? A Yes sir.
- Q That he is a son of Dicey Griffith? A yes sir.
- Q And that Dicey Griffith was a daughter of Amos Fulson? A Yes sir.
- Q And that Amos Fulson was a fullblood Choctaw Indian? A Fullblood yes.
- Q And that you left Mississippi in '58? A Yes sir.
- Q And at that time Amos Fulson was about twenty-eight years of age? A Yes sir, as near as I can get at it.
- Q And Amos Fulson didn't own any land to your knowledge in the State of Mississippi? A No sir.
- Q Do you know of his ever having owned any land there? A No sir, not as I ever knowed about. I never knowed nary land there that they said belonged to the Indians anywhere.
- Q Did he die in Mississippi? A No sir.
- Q Where did he go to? A He left and he went up to Aberdeen and I don't know where he went.
- Q About what time did he go up to Aberdeen? A I don't know. It was when a'll the Indians emigrated. It was when all the Indians got scattered.
- Q He was in Mississippi in '58 then, along about the time of the migration of the Indians? A Well, the last I knowed of him he was in Aberdeen Mississippi.
- Q Do you know what year that was? A No sir.
- Q Anything further you want to say? A No sir.

Witness excused.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on December 13, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of December, 1901. *Hal Belford*  
Subscribed and sworn to before me this 28 day of January, 1902.

*Charlotta Bellwood* Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

-----

In the matter of the application of Ames Griffith,  
et al., for identification as Mississippi Choctaws,

H.O.R. 4555

---DECISION---

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Ames Griffith for himself and his eleven minor children, Henrietta, Maffie, Rosie, Davis, Evaline, Rennie, Walter, Ames (Jr.), Minnie, Jennie and Flora Griffith, under the following provision of the act of Congress approved June 23, 1900, (30 Stat. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Ames Fulson, who is alleged to have been the son of Keith

Fulson; the said Amos Fulson is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats. 321.)

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Keith Fulson, or Amos Fulson, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 140), and August 21, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amos Griffith, Henrietta Griffith, Meffie Griffith, Essie Griffith, Devie Griffith, Evaline Griffith, Ressie Griffith, Walter Griffith, Amos Griffith (Jr.), Minnie Griffith, Jennie Griffith and Flora



3.

Griffith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

OCT 17 1902



Muskogee, Indian Territory, January 2, 1902.

Amos Griffith,

Ashdown, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of Ike Duckett and Tobe Nelson which are offered as evidence of your marriage to Jennie Duckett. These affidavits have been filed with the record of your application for the identification of yourself and your minor children as Mississippi Choctaws. Before the same can be accepted as conclusive evidence of your marriage, however, it will be necessary for you to procure a certificate from the Clerk of the Court for the County and State in which the marriage was originally recorded, that the record of your marriage has been destroyed.

Yours truly,

Commissioner in Charge.

MC 4363

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 21, 1902.

M. E. Sanderson,

Circuit Clerk Little River County,  
Ashdown, Arkansas,

Dear Sir:

The Commission is in receipt of your certificate inclosed in an envelope post-marked "Ashdown, Arkansas", to the effect that the court house of Little River County was destroyed by fire in February 1883 and you are therefore unable to make any copies of marriage licenses recorded prior to that date.

The same is herewith returned to you for the reason that there is nothing contained therein to indicate for what purpose it was forwarded or in whose case it was intended as evidence.

Yours truly,



Acting Chairman.

AB 2-21

Muskogee, Indian Territory, February 14, 1902.

Amos Griffith,

Ashdown, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifth instant, inclosing certificate of M. E. Sanderson Clerk of Court for Little River County, Arkansas, to the effect that the court house was destroyed by fire in February 1883 and the marriage records prior to that time were burned.

This certificate of the Clerk, together with the affidavits of Ike Duckett and Tobe Nolen already filed will be accepted as evidence of your marriage to Jennie Griffith.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, October 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Amos Griffith, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amos Griffith, Henrietta Griffith, Moffie Griffith, Rosie Griffith, Dovie Griffith, Evaline Griffith, Rossie Griffith, Walter Griffith Amos Griffith (Jr.), Minnie Griffith, Jennie Griffith and Flora Griffith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

M McN & C—2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Samuel H. Hays*

Acting Chairman.

COPY.

M C R 4353

Muskogee, Indian Territory, October 17, 1902.

Amos Griffith,

Ashdown, Arkansas.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Amos Griffith, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amos Griffith, Henrietta Griffith, Mollie Griffith, Rosie Griffith, Dovie Griffith, Evaline Griffith, Rossie Griffith, Walter Griffith, Amos Griffith (Jr.), Minnie Griffith, Jennie Griffith and Flora Griffith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

A 6-----8

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamie Dixey.*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Amos Griffith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 17, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

*Sam D. Doby.*

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. MCC.R. 4353



(COPY)

Land.

67,801-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, Jan. 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following parties: Amos Griffith for himself and his eleven minor children, Henrietta, Maffie, Rosie, Dove, Evaline, Rossie, Walter, Amos (Jr.), Minnie, Jennie and Flora Griffith, wherein a decision adverse to the applicants was rendered by the Commission on October 17, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Keith Fulson and Amos Fulson. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Keith Fulsom and Ames Fulsom, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed) A.C. Tenner,

Acting Commissioner.

(E.B.H.)  
P.

(COPY)

D.C. 4392-1903.

DEPARTMENT OF THE INTERIOR,

RAF.

ITD. 924-1903.

Washington.

L. B. S.

February 10, 1904.

Commission to the Five Civilized Tribes,

Washoe, I. T.

Gentleman:

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Amos Griffith and his minor children, Henrietta, Maffie, Rosie, Mavis, Evaline, Mamie, Walter, Amos (Jr.), Minnie, Jennie and Flora Griffith, including your decision of October 17, 1902, adverse to the applicants.

The applicants claim to be descendants of one Amos Falsom, who is alleged to have been the son of Keith Falsom, Amos Falsom having been, it is alleged, a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 29, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 515).

Reporting January 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) Theo. Ryan,

Acting Secretary.

1 inclosure.

COPY.

N.C.R. 4353.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Amos Griffith, et al., of which decision you were advised by mail on the 17th day of October, 1902.

Respectfully,

(SIGNED)

*Tams Dixby.*

Acting Chairman.

COPY.

N.C.R. 4353.

Muskogee, Indian Territory, February 21, 1903.

Amos Griffith,

Ashdown, Arkansas.

Dear Sir:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Amos Griffith, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

Yours,

*Tamc Ditty*

Acting Chairman.

## For Identification as a Mississippi Choctaw.

Date DEC 13 1901

Name Amos Griffith

Age 48 Blood 1/4

Post Office, Ashdown Ark

Father: John Griffith Dec 5

Mother: Wiley Griffith Dec 5

Claims through

Mother

wife Jennie Griffith  
no descent William Griffith  
wife

## Children:

Marionta Griffith 19

Maggie Griffith 17

Rosa Griffith 15

Dovie Griffith 14

Eveline " 12

Rossie " 10

Walter " 8

Amos " 4

Minnie " 6

Gennie " 2

Choctaw MCR 4354

Mat Potter

See MCR 4355, 4356, 4357

MCR 4354



**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Mat Potter, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Mat Potter,	M.C.R. 4354
Horace Potter,	M.C.R. 4355
Emma V. Mayson,	M.C.R. 4356
Pearl Beall,	M.C.R. 4357

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of Mat Potter, et al.

	(Page)
Original application of Mat Potter before the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Elijah A. Payton-----	8
Testimony of Robert Day-----	10
Testimony of James H. Parker-----	11
Alleged Photograph of Nelson Potter (or Williams)-----	14
Original application of Horace Potter before the Dawes Commission for identification as a Mississippi Choctaw-----	15
Original application of Emma V. Mayson before the Dawes Commission for identification as a Mississippi Choctaw-----	19
Testimony of Mat Potter-----	22
Testimony of Elijah A. Payton-----	23

Original application of Pearl Beall  
before the Daves Commission for identifica-  
tion as ~~Mississippi Cheetaw~~----- 24

Decision of the Commission refusing the con-  
solidated application of Mat Potter, et al.,  
for identification as Mississippi Cheetaws----- 28

-----

4354.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 9, 1901.

In the matter of the application of Mat Potter for identification as a Mississippi Choctaw.

Mat Potter, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mat Potter.  
Q How old are you? A Fifty nine.  
Q How much Choctaw blood do you claim to have? A My father was a full blood; I guess that would make me a half.  
Q What is your post office address? A Jackson, Mississippi.  
Q How long have you lived there? A I have lived there ever since the war.  
Q Where did you live before that? A I lived in Hinds County, Mississippi.  
Q Were you born and raised there? A Yes, sir.  
Q Were you a slave? A Yes, sir.  
Q You never have lived outside of the State of Mississippi? A No, sir.  
Q Is your father living? A No, sir; he is dead.  
Q What was his name? A Nelson Potter.  
Q Did he have any Choctaw blood? A Yes, sir.  
Q How much? A He was Choctaw Indian.  
Q Well, how much Choctaw blood did he have? A About half, I reckon.  
Q How old were you when he died? A He died in 1887.  
Q Was he a slave? A Well, he was always free.  
Q He was always free? A Yes, sir.  
Q He wasn't a slave, then? A To my recollection; I was small.  
Q He was always free? A Yes, sir.  
Q You remember slavery times; you were a slave? A Yes, sir.  
Q Don't you know whether he was a slave, or not? A No, sir; he was a free man.  
Q He had negro blood, did he not? A They always called him Indian; I don't know.  
Q Did he always live in the State of Mississippi? A Yes, sir.  
Q Lived in Hinds County? A Yes, sir.  
Q Do you know the name of his father or his mother? A No, sir; I can't remember them.  
Q Did you ever see either of them? A No, sir.  
Q Did Nelson Potter have a Choctaw name? A His name, when I was a boy, as well as I can remember, was Nelson Williams.  
Q How do you account for the name? A Well, all free men in this country had to have an agent, and I think Potter was his agent.  
Q Did your father speak or understand the Choctaw language? A Yes, sir.  
Q Do you understand the Choctaw language yourself? A No, sir; I don't understand it.  
Q How do you know he spoke or understood it? A I have heard him speak it; I have heard him speak with the Choctaw Indians.

Mat Potter, 2.

Q Describe the personal appearance of your father? A Well, he was dark skin and straight hair, and something like a Choctaw Indian.

Q Is that all you can tell about how he looked? A Yes, sir; that's about all I can tell of him.

Applicant here presents picture which he claims to be that of his father.

Q You claim this picture, which you now offer in evidence, is the picture of your father? A Yes, sir.

Q Do you desire to offer this in evidence in support of your application? A Yes, sir; this picture was taken from an old tin-type which used to be in the possession of the family, but I don't know its whereabouts at this time.

The picture is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q Is your mother living? A No, sir, my mother is dead.

Q What was her name? A Laura.

Q Was she a slave? A Yes, sir.

Q Did she have any Choctaw blood? A No, sir.

Q Were your father and mother married? A Yes, sir.

Q Have you any evidence that they were? A No, sir, nor no evidence that they wasn't; that would be pretty hard for me to say.

Q Do you know any one living who would be able to testify to that fact? A No, sir.

Q Did you ever see their marriage license, or certificate? A No, sir; in slavery days, slaves didn't marry under licenses.

Q Do you know whether your father and mother ever lived together as man and wife? A Yes, sir.

Q How long? A When she died.

Q Until she died? A Yes, sir.

Q When did she die? A In '62.

Q Did your father have any other children besides you? A Yes, sir.

Q How many? A Twelve or thirteen, but they are all dead to-day.

Well, I had one brother in Louisiana, and this one here.

Q Do you know how long they lived together? A No, sir; they lived together until she died.

Q You don't know the name of any one of your father's ancestors?

A No, sir.

Q Did you ever see any of them? A No, sir.

Q Your father never was in Indian Territory, was he? A No, sir; not that I know of.

Q How old would he be if he were living now? A About eighty two years old. He was born in 1812, I think.

Q Do you know where he was born? A Born in the State of Mississippi somewheres. In Coahoma County, I think.

Q You don't know whether his parents were both full bloods, of course, or not? A No, sir; I don't know anything about that.

Q Now, you have seen a good many full blood Choctaw Indians; did your father look like a full blood Choctaw, or like he had some other blood besides Choctaw? A Full blood Choctaw.

Q Are you married? A Yes, sir.

Q Wife living? A Yes, sir.

Q Has she any Choctaw blood? A I don't know.

Mat Potter, 3.

Q You make no claim for her then? A No, sir.

Q What was her name? A Easter Potter.

Q Have you any children under twenty one years of age and unmarried? A No.

Q Then, this application is for yourself only, is it? A Yes, sir.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A Never did, sir.

Q Did you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No, sir.

Q You never, then, have been admitted to citizenship in the Choctaw Nation? A No, sir.

Q Did you ever make any application of any description before to-day? A No, sir.

Q Or have you ever attempted to establish your rights in the Choctaw Nation? A This is the first.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from this country out west of the Mississippi to a new country, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might do so and receive land here in Mississippi from the Government and become a citizen of the States.

Q Are you familiar with that 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall

Mat Potter, 4.

be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's the 14th article of the treaty of Dancing Rabbit Creek; do you understand it thoroughly? A No, sir.

This fourteenth article, as I have heretofore stated, was put in the treaty for the benefit of those Choctaw Indians living here seventy one years ago who preferred to stay here in Mississippi and not move out to the new nation west of the Mississippi River. We will suppose, for example, that a Choctaw head of a family here at that time wanted to stay here and take land under article 14 of the treaty. First, within six months from the time the treaty was ratified, and the treaty was ratified on the 24th day of February 1831, he must let the agent of the Government here in Mississippi know that he wanted to stay, and he was then entitled to a reservation of one whole section of land to be bounded by sectional lines of survey. Now, if he had a child in his family over ten years of age, for each child he was entitled to an additional reservation of three hundred and twenty acres, or a half section. If he had several of these children, each one of them was entitled to the same amount, and if he had children in his family under ten years of age for each one of those children he was entitled to one hundred and sixty acres. Now the children's reservations must adjoin the location of the parents, and these reservations must include the present improvement of the head of the family - which the parent had on the 27th day of September 1830, the day the treaty was made. Now, if that Choctaw lived on that land which was reserved for him for a period of five years from February 24, 1831, the day the treaty was ratified, he would then be entitled to a grant in fee simple for the land, and give him a deed to it, and he could dispose of it at his own pleasure. Now, the last clause of that 14th article is "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is, if a Choctaw lived here in Mississippi and at the time the treaty was made, preferred to stay here and take land from the Government under this 14th article, that this wouldn't deprive him of the privilege of a Choctaw citizen if he moved out to the new nation, but the Choctaw who did get land here under this 14th article should not have the right to participate in the distribu-

Mat Potter, 5.

tion of the Choctaw annuities in the Choctaw Nation, Indian Territory. The Choctaw annuity is money paid to the Choctaws each year under treaty provisions.

Q Do you think you understand that 14th article now? A I don't understand it.

Q What point is there about it you don't understand? A Well, I understand it all as far as you said.

Q Well, you understand what I said, and understand the 14th article, because I explained it to you carefully? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions? A No, sir, not that I know of.

Q Were any of your ancestors living here when this treaty was made, seventy one years ago? A I don't know none but my father; that's all I know about.

Q Do you know where your father was living at that time? A No, sir.

Q Do you know whether your father or any other one of your ancestors was a recognized member of the Choctaw tribe at the time this treaty was made? A No, sir.

Q Did any of them own an improvement here at the time the treaty was made? A No, sir.

Q Do you know whether any of them removed from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1835? A No, sir.

Q Do you know whether any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens? A No, sir; I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under this 14th article of the treaty of Dancing Rabbit Creek? A No, sir; I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A Not that I know of.

Q Did you ever hear of any of your people ever getting any land here in Mississippi from the Government? A No, sir.

Q Did you ever hear of any of them ever getting any money from the Government? A No, sir.

Q If any of them were ever recognized members of the Choctaw tribe, you don't know it? A No, sir, outside of the oldman.

Q Do you know whether he was a recognized member of the tribe or not? A No, sir; only I have heard him say he was a Choctaw Indian.

Q You don't know whether the Indians here in 1830 recognized him as belonging to their tribe, and being a member of the tribe, do you?

A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens, and take land under that fourteenth article. The records of the Government show



Mat Potter, 6.

that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land. On this account, the Government, at its public land sales here in Mississippi, when all this tract of country which they got from the Choctaws under the treaty of 1830 was sold, in many instances sold land upon which Indians lived and had improvements, and which the supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions whereby the remainder of these Indians down here might be given hearings, so another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This second commission was duly appointed by the President, and the commissioners came down to Mississippi, and held their sessions, some of them, here in Leake County, and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu of this land, that the Government had sold, land elsewhere here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government on this Act of Congress? A No, sir; not that I know of.

Q So far as you know, then, none of your ancestors ever received any benefits as Choctaw Indians? A No, sir.



Mat Potter, 7.

Q Did you ever see, or hear of, any deed or patent issued to any one of your ancestors covering land here in Mississippi received from the Government under this treaty of 1830? A No, sir.

Q Do you know any one living who would likely be able to testify as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Have you any witnesses here to-day? A Yes, sir.

Q How many? A Three.

Q What are their names? A Mr. Days, Colonel Payton and William Parker.

Q What do you expect to prove by Mr. Days? A I expect to prove that my father was an Indian - Choctaw Indian.

Q Anything else? A That's all.

Q What do you expect to prove by Colonel Payton? A The same.

Q What do you expect to prove by Mr. Parker? A The same.

Q That's all either of your witnesses can testify to then? A Yes, sir.

Q

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi, or at between January 15th and February 15th, next, at Meridian, Mississippi, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q How many children over twenty one years of age have you living? A One.

Q What is that child's name? A Emma Mayson now.

Q Is she here to-day? A Yes, sir.

Q Have you any brothers living? A Yes, sir; two.

Q Where do they live? A One of them lives in Louisiana, and the other in Jackson, Mississippi, with me.

Q What is the name of the one living in Louisiana? A Richard Potter.

Q What is the name of the one living in Jackson? A Horace Potter.

Q Have you any brothers dead? A Yes, sir.

Q How many? A I don't know; a good many of them.

Q Any of them leave families? A No, sir; all died young.

Q Have you any sisters living? A No, sir.

Q Have you any sisters dead? A Yes, sir.

Q Did any of them leave families? A No, sir.

Q Has Horace Potter been before this commission? A No, sir.

Q Has Richard Potter been before this Commission? A No, sir; neither one.

(This applicant has the appearance of being a negro, though his complexion, features and facial expressions would indicate that he is possessed of a small proportion of either white or Indian blood; he does not speak or understand the Choctaw language.)

(Applicant Excused.)

Mat Potter, 8.

Elijah A. Payton, having been first duly sworn, upon his oath testified in behalf of the applicant as follows:

Examination by the Commission.

- Q What is your name? A Elijah A. Payton.
- Q How old are you Mr. Payton? A Seventy five.
- Q What is your post office address? A Jackson, Mississippi.
- Q How long have you lived in Hinds County? A I have lived there ever since I was fifteen years of age; that was sixty years.
- Q What is your occupation, if you have any, at this time? A Well, I can't say that I have any, for I am unable to fill any position. I was raised a farmer, afterwards I read law and was admitted to the bar, and for a while I held office in this State, and only recently this year I went out of the United States Marshal's office as one of the employees. I was Marshal myself further back; appointed Marshal by President Grant in 1868; I was a confederate soldier notwithstanding that.
- Q Are you acquainted with Mat Potter, who has just appeared before the Commission? A Yes, sir. I have known Mat ever since - I can't hardly say - I have known him all the time for forty years I suppose anyway.
- Q Are you interested in any way in the result of his claim? A None on earth, no sir.
- Q You are no relation to him? A No, sir.
- Q Do you know how much Indian blood he has? A Well, I can't say about that; my impression is that his father was a whole - full blood. From knowing his father as long as I did, and as well as I did, I think old man Nelson was a full blood Choctaw. He has told me so often, and this is his son, and, therefore -- I don't know.
- Q How long did you know his father? A I knew him from sixty eight or nine up until his death; that would be twenty or twenty five years, I reckon. Intimately acquainted with him all the while.
- Q You have been thrown, more or less, with these Choctaw Indians in Mississippi, the full bloods? A Yes, sir, a great deal.
- Q And you say that it is your opinion that he was a full blood? A Yes, sir; that was my opinion; he was a little darker than the general run, but his build and his manners, and his own say so all the time, led me to believe that he was a full blood Choctaw.
- Q Do you know whether he spoke or understood the Choctaw language? A I think he did; I have seen him with the other Indians, and have seen him converse with them.
- Q Do you know his father or his mother? A Not, I did not.
- Q Didn't know any of his ancestors? A No, sir; none at all. But I knew the old man for a number of years.
- Q Well, would you think from his personal appearance that he had any negro blood? A Well, no sir, I wouldn't think that he had a particle.
- Q Was he a slave? A I don't think he ever was; I never knew him as a slave.
- Q This applicant was a slave? A Yes sir; but I don't think old man Nelson was a slave.
- Q Are you acquainted with this applicant's mother? A No, sir; I don't remember her. I have no doubt I have seen her often, but I don't remember her. I wouldn't now say I knew her.
- Q Do you know whether the applicant's father and mother were lawfully married? A I just presume they were not. Before the war, it was some times a colored man and woman would marry, and the white folks would take them into their parlors, and there would be some one to

Way Potter, 9.

say the ceremony, but as for a license, there was nothing of the sort, and no legal license could have been obtained here before the war by any colored person, therefore, I take it for granted they were never lawfully married.

Q Do you know how long they lived together as man and wife, if at all? A No, sir, for I don't know when they went together.

Q Do you know how many children they raised? A No sir, I have only known - well, I have known Horace not but a little, but Mat, I have known him nearly all his life.

Q And you say the applicant's father has told you this was his son? A Yes, sir; and I knew it another way. Madison had a woman for a wife that belonged to our family.

Q Madison is this applicant? A Yes, sir; and therefore I became very well acquainted with him and his wife.

Q You were present and heard the applicant examined this morning, were you not? A Yes, sir.

Q Do you know whether any of his ancestors ever complied with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I never heard that they did; never heard old man Potter say so.

Q Did you ever hear of his having owned any land here in Mississippi? A He owned land that he bought near Jackson, Mississippi; I have been on his place.

Q You are sure he bought that? A Yes, sir, he bought the property there; he worked for a man who had property.

Q Do you know who he bought that land from? A Well, no, I have --

Q You are sure he didn't get any from the Government? A No, sir, he got none of that from the Government.

Q You don't know whether he was ever a recognized member of the Choctaw tribe of Indians? A Only seeing him with them, or in a conversation, or something like that.

Q You don't know whether he ever received any benefits as a Choctaw Indian? A None so far as I know.

Q Or whether he was ever in Indian Territory? A Never that I know of.

Q Do you know whether he ever received any scrip from the Government of the United States under the Act of Congress approved August 23, 1842? A If he did, he never told me of it.

Q You don't know whether he ever appeared before either of these Commissions, I have described this morning? A I have no idea that he did. He may have done so, but he never informed me that he had. I was with him a great deal, and, therefore, I would rather suppose that he would some time have spoken or said something of it.

Q Do you know of any one living who would likely be better informed on these questions than you are? A I don't know who that could be.

Q Has this applicant any children living? A I think he has.

Q Do you know how many? A No, I don't know that he has unless it is one, I think it is one, a married daughter.

Q Do you know her name? A No, I don't know her name; it is Mrs. Wayson, though.

Q Are there any further statements you desire to make in support of this application? A No, sir; I don't know of anything. You are speaking of his general appearance. You asked what about it. I would only say this, that he would be taken - Nelson Potter would be recognized by his looks, build and manner as being a full Choctaw for I have been with him a great deal, and the only difference between him and the others I have seen; he was a little darker.

Mat Potter, 10.

Q Was his hair perfectly straight? A Yes, sir, coarse and straight and black, and his eyes and everything indicated it; in fact, I have never heard it doubted. I would have taken him to be a full blood Choctaw.

Q Are there any further statements you care to make? A No, sir.

(This witness is a white man of above the average intelligence, and his testimony has been given in a straight, forward and honest manner.

(Witness excused.)

Robert Day, having been first called and duly sworn as a witness in behalf of this applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Robert Day.

Q How old are you? A About sixty-nine.

Q What is your post office address? A Jackson.

Q How long have you lived in Jackson? A Since 1845.

Q What is your occupation? A Painter.

Q Are you any relation to the applicant, Mat Potter? A Not that I know of.

Q How long have you known him? A I have known him ever since I came to the State.

Q Are you interested in any way in the result of his application? A None at all.

Q Are you an applicant before this Commission? A Yes, I appear here as a witness, knowing Nelson Potter.

Q But you have no Choctaw blood, and make no claim yourself?

A No sir.

Q Has Mat Potter any Choctaw blood? A I couldn't say.

Q Were you acquainted with his father? A Yes, sir.

Q What was his name? A Nelson Potter.

Q Did he have any Choctaw blood? A From what little experience I had I thought he did.

Q How long have you known him? A Since '65.

Q When did he die? A I don't know exactly, how long since he has been dead now, exactly.

Q Describe his personal appearance? A Well, he had all the appearances of that sort of folks except he was a little darker, and I have seen him around occasional talking with them, and I supposed he understood the language, and he always claimed they was his kind of folks.

Q Did he claim he was a full blood Choctaw? A I couldn't say.

Q Was he a slave? A No, sir.

Q Did you know him during slavery times? A Yes, sir.

Q Where did he live during that time? A Jackson.

Q Did he live in Hinds County all his life? A Yes, sir.

Q Do you know whether he was ever a recognized member of the Choctaw tribe? A No, sir.

Q Do you know whether he ever received any benefits as such?

A No, sir.

Q Are you acquainted with his father or mother? A Didn't know them

Mat Potter, et al., ll.

Never knew them.

Q Did you know the names of either of them? A No, sir.

Q Are you acquainted with this applicant's mother? A No, sir.

Q Didn't know her? A No, sir.

Q Do you know whether his father and mother were lawfully married?

Q I couldn't say.

Q Was his mother a slave? A I don't know his mother at all.

Q You don't know that? A No, sir.

Q Did you ever hear of his father and mother living together as man and wife? A No, sir.

Q You heard the applicant examined this morning, did you not? A Yes sir.

Q Do you know whether any of his ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Do you know whether any of them ever received any scrip under the Act of Congress approved August 23, 1842? A No, sir.

Q Or whether any of them ever appeared before the commissions I described in the examination of the applicant? A No, sir.

Q If any of them ever received any benefits - any land, or money, from the Government, then, you don't know it? A Don't know it.

Q Any further statements you care to make? A I believe so.

Q What else do you want to say? A I don't know of any thing else I have to say. If you refresh my mind about anything you want to know

Q Do you know of any one living who would likely be better informed on the questions I have asked you? A No, sir, because we were always acquainted.

To the applicant:

Is there any other question you care to have asked? A No, sir.

(This witness is a negro of more than average intelligence; his testimony has been given in a straight, forward and honest manner.)

(Witness excused.)

James M. Parker, having been first called and duly sworn as a witness in behalf of this applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A James M. Parker.

Q How old are you, Mr. Parker? A I am about fifty four or five /

Q What is your post office address? A Jackson, Mississippi.

Q How long have you lived in Hinds County? A Since I got back there - I moved away from there and stayed some sixteen or eighteen years, but I have been back there about five years.

Q You were born there? A No, sir; I was born in Virginia.

Q How old were you when you came to Hinds County? A I was about - I suppose about eighteen years old.

Q How old were you when you left there? A I don't know; that was eighteen years ago, or twenty.

Mat Potter, #12.

When you left there, where did you live during the seventeen years you were away? A I was in Canton part of the time and in Yazoo.

Q You lived in Mississippi all the -- A Ever since seventy three.

Q What is your occupation? A A farmer and a carpenter.

Q You are no relation to this applicant? A No, sir.

And have no interest whatever in the result of his claim? A None whatever.

Q How long have you known him? A I knew him during his father's life time, and I think I got acquainted with his father in 1861 or two, perhaps; I don't know, somewhere along there, just about the time the war broke out.

Q What was his father's name? A Nelson Potter.

Q Did he have any Choctaw blood? A I would think so, sir.

Q How much would you think he had? A He seemed to be as much ~~sm~~ as any I had seen, with the exception that he seemed to be a little darker than the rest of them, but from all other appearances he had.

Q You would think he was a full blood, then, would you? A Yes, sir, I would. ~~I had never been informed otherwise either.~~

Q You mean to say it was generally understood among the people where he lived that he was a full blood Choctaw? A It was generally understood.

Q Did he always live in Mississippi? A Well, I think he did, but I couldn't tell from my own knowledge.

Q Did he speak or understand the Choctaw language? A I couldn't say; there was a Choctaw used to visit him; I think his name was Jerry, or something of that kind; they used to talk a language that I couldn't understand, but I don't know whether it was Choctaw Indian language, because I am not acquainted with that language.

Q About how old a man would Nelson be if he were living now? A Indeed I never did know his age.

Q Give us an idea of about how old he would be? A Oh! he would be about seventy five, or eighty or ninety years old, somewhere's over eighty.

Q Was he a slave? A Not that I know of.

Q Was this applicant a slave? A I don't know whether he was or not.

Q Were you acquainted with this applicant's mother? A No, sir.

Q You don't know whether she had any Choctaw blood, or not? A No, sir.

Q Do you know whether she was a slave? A I don't know that really.

Q Do you know whether his mother and father were lawfully married? A No, sir.

Q Do you know how long they lived together? A No, sir.

Q Do you know how many children was born to them? A No, sir; I never knew but two or three of them.

Q You do know they had two or three children? A Yes, sir.

Q You heard the examination of the applicant this morning, did you not? A Yes, sir.

Q Do you know whether any of his ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No, sir; I never heard of anything of the kind.

Q Do you know whether any of them ever received any benefits under that 14th article? A No, sir.

Q Did you ever hear of any of them ever getting any money or land from the Government? A No, sir.

Q Did you ever hear of any of them ever getting any scrip from the

Mat Potter, #13.

Government under the Act of Congress approved August 23, 1842? A No sir.

Q Do you know whether any of them were ever recognized members of the Choctaw tribe of Indians? A No, sir, I couldn't say; I know that he had a good deal of familiarity with the recognized Choctaw Indians.

Q You mean that he associated more or less with the full blood? A Yes sir

Q Do you know whether any of his ancestors ever lived in Indian Territory? A No, sir, I do not.

Q Do you know any one living besides ~~James~~ the two witnesses who just testified before you, who would be ~~James~~ better informed on the questions asked in this case than you are? A No, sir, I can't just think of any one who would likely be.

Q Are there any further statements you care to make? A No, sir. To the applicant:

Are there any other questions you want to ask him? A No, sir.

(This witnesses is a negro of more than average intelligence; his testimony has been given in a straight, forward and honest manner.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 9th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Carthage, Mississippi, this 15th day of December, 1901.

*L. B. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By

*J. M. M.*

Deputy.



*Wm.*  
*C. v. W.*

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mat Potter, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Mat Potter	M.C.R. 4384
Horace Potter,	M.C.R. 4385
Emma V. Mayson,	M.C.R. 4386
Pearl Beall,	M.C.R. 4387

— D E C I S I O N —

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Mat Potter for himself; by Horace Potter for himself; by Emma V.  
Mayson for herself and by Pearl Beall for herself, under the follow-  
ing provision of the act of Congress approved June 28, 1896 (56  
Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto, and make report to the Secretary of the  
Interior."

It also appears from the testimony that applicants, Mat  
Potter and Horace Potter, were born of a slave mother, prior to the  
Emancipation Proclamation, and were themselves slaves, and that the  
other applicants are lineal descendants of said Mat Potter, and it



-2-

does not appear from the records in the possession of the Commission that any of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Mat Potter, Horace Potter, Emma V. Mayson and Pearl Beall as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James H. Hasty.

Acting Chairman.

(SIGNED)

I. D. Williams.

Commissioner.

C. E. Anderson.

Commissioner.

Muskogee, Indian Territory,

OCT 21 1902

Miss. Choctaw  
4354, 4355, 4356.

Muskogee, Indian Territory, April 11, 1902.

Andrew W. Jones,

P. O. Box 38, Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifth instant, stating that since the date of the applications for identification as Mississippi Choctaws of Matt Potter, Horace Potter and Emma V. Mayson you have been employed to represent them in the presentation of additional testimony at Meridian, Mississippi, between April 14 and April 30, 1902, inclusive, and you ask to be supplied with a copy of their testimony.

In compliance with your request there is inclosed you herewith copies of the testimony of Mat Potter, Elijah A. Payton, Robert Day, and James M. Parker, in the application of Mat Potter for identification as a Mississippi Choctaw; testimony of Horace Potter in the matter of his application for identification as a Mississippi Choctaw; testimony of Emma V. Mayson, Mat Potter and Elijah A. Payton in the matter of the application of Emma V. Mayson for identification as a Mississippi Choctaw.

A.W.J. 2

Kindly sign the inclosed receipts and return to this office for filing with the records in the above named cases.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 4364

Muskogee, Indian Territory, October 16, 1902.

J. E. Beall,

Jackson, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 10, asking what disposition has been made of the applications for identification as Mississippi Choctaws of Matt Potter, Horace Potter, Emma Mayson and Pearl V. Beall.

In reply to your letter you are advised that no decision nor opinion has yet been rendered relative to the rights of these persons to identification as Mississippi Choctaws, but the Commission now has their cases under consideration, and it is probable that a decision will be reached in the near future, due notice of which will be given the applicants, and also of the forwarding of the record in their cases to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

COPY

M.C.R. 4354

Muskogee, Indian Territory, October 21, 1902.

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mat Potter, et al., embracing the following applications for identification as Mississippi

Choctaws:

Mat Potter,	M.C.R. 4354
Horace Potter,	M.C.R. 4355
Emma V. Mayson,	M.C.R. 4356
Pearl Beall,	M.C.R. 4357

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indian claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Mat Potter, Horace Potter, Emma V. Mayson and Pearl Beall as such should therefore be refused, and it is so ordered."

M.HoM. & C. -----2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Wm. D. Dwyer*  
Acting Chairman.

Muskogee, Indian Territory, October 31, 1902.

Mat Potter,

Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 1st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mat Potter, et al., embracing the following applications for identification as Mississippi Choctaws:

Mat Potter,	M.C.R. 4354
Horace Potter,	M.C.R. 4355
Rena V. Mayson,	M.C.R. 4356
Pearl Beall,	M.C.R. 4357

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Mat Potter, Horace Potter, Rena V. Mayson and Pearl Beall as such should therefore be refused and it is so ordered."

Mat Petter-----2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Acting Chairman.

Registered.



COPY.

Washoe, Indian Territory, November 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nat Potter, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 21, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Nat Potter,  
Horace Potter,  
Emma V. Mayson,  
Pearl Reall,

M C R 4354  
M C R 4355  
M C R 4356  
M C R 4357.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*James C. Carter*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. M C R 4354

Land  
67833-1902

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, Feb. 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Mat Potter for himself; Horace Potter for himself; Emma V. Mayson for herself, and Pearl Beall for herself, wherein a decision adverse to the applicants was rendered by the commission on October 21, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws on their descent from Nelson Potter. It also appears from the testimony that Mat Potter and Horace Potter were born of a slave mother and were themselves slaves.

The commission rejected the applicants for the reason that it is their opinion, under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), no freedman is entitled to identification as a Mississippi Choctaw.

An examination has been made of the records of this office

-2-

with reference to the name of Nelson Potter, and it is found that his name does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

~~This being true, it is believed that the decision of the commission rejecting the applicants was correct, and it is therefore recommended that said decision be affirmed.~~

Very respectfully,

A. C. TONNER,

Acting Commissioner.

(E.B.H.)

P.

D.C.8589-1903.  
IRS.  
I.T.D.1368-1903.

(Copy)

J.W.H.  
FHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 25, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 6, 1902, you transmitted the record in the consolidated case embracing the applications of Mat Potter (M C R 4354), for himself; of Horace Potter for himself; of Emma V. Mayson for herself, and of Pearl Beall for herself, for identification as Mississippi Choctaws, including your decision of October 21, 1902, refusing to identify them as such.

Applicants Mat and Horace Potter are ex-slaves. Their father, Nelson Potter, alias Williams, was a full-blood Choctaw who was born in 1812 in Coahoma county, Mississippi, and lived in Hinds county during the greater part of his life.

It seems that Nelson Potter owned a farm near Jackson in the latter county, but it does not appear that he obtained the same from the government under any provision in any treaty between the United States and the Choctaw Indians. He died in 1887.

The mother of said brothers was one Laura. She was a slave.

The other applicants are the descendants of Mat Potter.

You refused to identify these applicants, stating that Mat and Horace Potter were born of a slave mother prior to the emancipation proclamation; that they were themselves slaves and that in your opinion no freedman is entitled to identification as a Mississippi Choctaw.

You made no report as to whether the records of the government in your possession show that the said Nelson Potter, alias Williams, complied with the provisions of article 14 of the treaty of September 27, 1830.

Reporting in the matter February 5, 1903, the Acting Commissioner of Indian Affairs stated:

"An examination has been made of the records of this office with reference to the name of Nelson Potter, and it is found that his name does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830."

In this connection it is noted that the Acting Commissioner makes no reference to the fact that Nelson Potter was also known as Nelson Williams when a boy.

The Department has consulted a "Schedule of those Choctaws who received land under the provisions of the 14th Article of the Treaty of 1830, by remaining upon the land five years in accordance with the provisions of that Article," and also "A List of Names of Choctaws to whom Scrip was issued under the 14th Article of the Treaty of Dancing Rabbit Creek," prepared by the Indian Office,

for the purpose of ascertaining whether the name of Nelson Williams appears in either of them. From such examination it does not appear that Nelson Williams complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or that he took advantage of the subsequent acts relating thereto.

Inasmuch as the facts furnished by the applicants, as well as the records of the government, fail to show that these applicants, or any of their alleged ancestors, complied or attempted to comply with said article or acts, the Department concurs in the recommendation of the Indian Office that your decision be approved, and said decision is accordingly affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN,

Acting Secretary .

1 inclosure.

COPY.

Muskogee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Mat Petter, et al., of which decision you were advised by mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

COPY.

Muskegee, Indian Territory, April 2, 1903.

Mat Potter,  
Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Mat Potter, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.



Received of the Commission to the Five Civilized Tribes  
one copy of the testimony of Mat Potter, Elijah A. Payton, Robert  
Day, and James M. Parker, in the matter of the application of Mat  
Potter for identification as a Mississippi Choctaw.

Dated at *Meridian, Miss.*  
this *17th April 1902*

*Andrew J. Jones*

Consolidated Case  
of

Mat Potter

REFER TO M. C. R.

4324

Nelson Potter <sup>(82 or 84?)</sup>  
(as Nelson Williams)

Wife  
Laura Potter  
slave.

meR  
4354

Mat Potter 59  $\frac{1}{2}$   
(or Madison) (slave)

Wife  
Easter Potter  
-slave-

meR  
4355

Harace Potter 49  $\frac{1}{2}$

Richard Potter (?) (?)

meR  
4356

Emma Potter 39  $\frac{1}{4}$

married  
Harry L. Mayson

meR  
4357

Pearl Mayson 20  $\frac{1}{8}$

married  
Dr. J. E. Beall

#1539

No.

4354

For Identification as a Mississippi Choctaw.  
Carthage, Miss.

Date

DEC 9 1901

Name

Mat Potter

Age

59

Blood

~~4~~ 1/2

Post Office,

Jackson, Miss.

Father:

Nelson Potter

d

Mother:

Laura

"

d

Claims through

father.

wife

Easter Potter

L

(no claim for her)

(Applicant does not know name  
of any one of his father's  
ancestors.)

Children:

(Claim for self only)

Stenographer

R. S. Strick

Choctaw MCR 4355

Horace Potter

MCR 4355

4355  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 9, 1901.

In the matter of the application of Horace Potter for identification as a Mississippi Choctaw.

Horace Potter having been first duly sworn, upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A Horace Potter.  
Q How much Choctaw blood have you? A My father was a full blood Choctaw; I guess that would make me a half.  
Q How old are you? A Forty nine.  
Q What is your post office address? A Jackson, Mississippi.  
Q How long have you lived in Jackson? A I have lived there all my life; that is, in the County - in Hinds County.  
Q Were you a slave? A Yes, sir.  
Q Is your father living? A No, sir.  
Q What was his name? A Nelson Potter.  
Q Did he have any Choctaw blood? A Yes, sir.  
Q How much? A He was supposed to be a full blood.  
Q How long has he been dead? A He died in '87.  
Q Did he live in Mississippi all his life? A He said so.  
Q About how old would he be if he were living now? A He was seventy years old when he died; that's been fourteen years; that would make him ninety.  
Q Describe his personal appearance? A Well, he was tall, and black hair, kinder dark complexion, like these dark Choctaw Indians.  
Q His hair straight? A Yes, sir.  
Q Did he speak or understand the Choctaw language? A Well, I heard him talking with them; I don't know whether he did or not; I didn't understand it, but he talked with them.  
Q Do you know the name of your father's father or mother? A No, sir.  
Q So far as you know, have all of your father's people always lived in Mississippi? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Laura.  
Q Was she a slave? A Yes, sir.  
Q Was your father a slave? A No, sir.  
Q Did your mother have any Choctaw blood? A None that I knew of.  
Q You claim to get your blood then solely through your father - your Choctaw blood? A Yes, sir.  
Q Were your father and mother lawfully married? A I don't know, sir.  
Q How long did they live together? A I don't know, sir.  
Q How many children did they have? A Six or seven; I don't recollect which, now - from my recollection.  
Q Which one of them died first? A My mother died first.  
Q Were your father and mother living together as man and wife at the time of her death? A Yes, sir.  
Q When did she die? A She died in '63; I think it was.  
Q Are you married? A No, sir.  
Q Have you ever been married? A No, sir.  
Q This application then is for yourself only, is it? A Yes, sir.

Horace Potter, 2

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.

Q Did you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the United States authorities? A No, sir.

Q Never been recognized in any manner as a citizen? A No, sir.

Q Did you ever make any application of any kind before to-day, or have you ever made any attempt to establish your rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Were you present when your brother, Mat, was examined this morning? A Yes, sir.

Q Your heard the 14th article fully explained? A Yes, sir; I think I understand it all right.

Q Did any of your ancestors ever comply or attempt to comply with its provisions? A No, sir, not to my knowledge.

Q Were any of them living here in the old Choctaw Nation at the time this treaty was made, seventy one years ago? A I suppose my father was living here then.

Q Do you know where he lived? A No, sir; I couldn't tell that.

Q Do you know whether any of your ancestors owned an improvement here at that time? A No, sir.

Q Do you know whether any of them were recognized members of the tribe here at that time? A No, sir; I do not.

Q Do you know whether any of them removed from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No, sir.

Q Do you know whether any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws, know that they wanted to stay and become citizens of the States? A No, sir.

Q Do you know whether any of them ever claimed or received any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A No, sir; I do not.

Q Do you know whether any of them ever received any land here in Mississippi under any other article of that treaty, or under the supplement to that treaty? A No, sir.

Q Did you ever hear of any of them ever getting any land from the Government? A No, sir.

Q Did you ever hear of any of them ever getting any money from the Government? A No, sir.

Q Did you ever hear of, or see, any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government? A No, sir.

Q You heard me explain to your brother as to the causes which brought about the Acts of Congress approved on the 3rd day of March, 1837, the 22nd day of February, 1838 and the 23rd day of August 1842, did you not? A Yes, sir.

Horace Potter, 3.

Q And understand what I said fully? A Yes, sir.

Q Do you know whether any of your ancestors appeared before either of those commissions, appointed under those Acts of Congress, and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Do you know whether any of your ancestors ever received any scrip from the Government of the United States under this Act of Congress approved August 23, 1842? A No, sir.

Q So far as you know, then, none of your ancestors were ever recognized members of the Choctaw tribe of Indians, were they? A No, sir.

Q None of them ever received any benefits as such? A No, sir.

Q None of them ever lived in Indian Territory? A No, sir.

Q Do you know any one who would likely be informed as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Have you any witnesses here to-day? A Yes, sir.

Q What are their names? A Mr. Parker, Colonel Payton and Robert W. Day.

Q They are the same witnesses who have testified already in your brother's case? A Yes, sir.

Q And you want their testimony considered in your case? A Yes, sir.

Q

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter, at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q How many brothers have you living? A Three of us living.

Q Two besides you? A Yes, sir.

Q What are their names? A Richard and Mat.

Q Mat is the one who appeared this morning? A Yes, sir.

Q Where does Richard live? A In Louisiana.

Q Has he ever been before the Commission? A No, sir.

Q Have you any brothers dead? A Yes, sir.

Q How many? A According to my recollection, I have about three.

Q Did any of them leave families? A No, sir.

Q Did you ever have any other brothers? A Yes, sir.

Q Did any of them leave families? A No, sir.

(This applicant has the appearance of being a negro, though his complexion, features and facial expressions would indicate that he is possessed of a small proportion of either white or Indian blood; he does not speak or understand the Choctaw language.)



Herase Potter, 4.

R. S. Street, having been first duly sworn, upon his oathsworn that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 9th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Street*

Subscribed and sworn to before me at Carthage, Mississippi, this 18th day of December, 1901.

*L. B. Mosley*  
Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *J. M. Smith*

Deputy.

Miss. Choctaw  
4354, 4355, 4356.

Muskegee, Indian Territory, April 11, 1902 .

Andrew W. Jones,

P. O. Box 38, Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifth instant, stating that since the date of the applications for identification as Mississippi Choctaws of Matt Potter, Horace Potter and Emma V. Mayson you have been employed to represent them in the presentation of additional testimony at Meridian, Mississippi, between April 14 and April 30, 1902, inclusive, and you ask to be supplied with a copy of their testimony.

In compliance with your request there is inclosed you herewith copies of the testimony of Mat Potter, Elijah A. Payton, Robert Day, and James M. Parker, in the application of Mat Potter for identification as a Mississippi Choctaw; testimony of Horace Potter in the matter of his application for identification as a Mississippi Choctaw; testimony of Emma V. Mayson, Mat Potter and Elijah A. Payton in the matter of the application of Emma V. Mayson for identification as a Mississippi Choctaw.

A.W.J. 2

Kindly sign the inclosed receipts and return to this  
office for filing with the records in the above named cases.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4355

Muskogee, Indian Territory, October 21, 1902.

Horace Potter,  
Jackson, Mississippi.

Dear Sir:-

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mat Potter, et al., embracing the following applications for identification as Mississippi Choctaws:

Mat Potter,	M.C.R. 4354
Horace Potter,	M.C.R. 4355
Jama V. Mayson,	M.C.R. 4356
Pearl Beall,	M.C.R. 4357

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Mat Potter, Horace Potter, Jama V. Mayson and Pearl Beall as such should therefore be refused and it is so ordered."

Horace Potter-----2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*Tamc Dinty.*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 2, 1903.

Horace Petter,

Jackson, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Nat Petter, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Dixie*  
Chairman.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony of Horace Potter in the matter of his ap-  
plication for identification as a Mississippi Choctaw.

---

Dated at

*Meridian, Miss.*

this

*17th April 1881*

*James H. H. H. H. H.*

DEC 1 1992

CHAIRMAN

RECEIVED  
OCT 27 1992  
JACKSONVILLE





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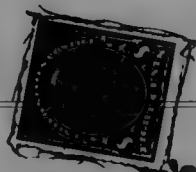
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CHAIRMAN

REGISTERED  
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JACKSON



REGISTERED  
DEC 3 1902  
JACKSON, MISS



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

UNCLAIMED

*[Handwritten signature]*

6

RETURNED TO WRITER

RETURNED TO WRITER

#1540

No. 4355

For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date DEC 9 1901

Name Horace Potter

Age 49 Blood ~~1/4~~ 1/2

Post Office, Jackson, Miss.

Father: Nelson Potter d

Mother: Laura " d

Claims through father.

(Applicant doesn't know  
name of any of father's  
ancestors.)

Children:

(Claims for self only.)

Stenographer

R. S. Strick

Horace Potter

REFUSED

DECISION RENDERED. OCT 11 1902

NOTICE OF DECISION MAILED APPLICANT.

R. 4355

OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 25 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 2 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 2 1903

REFER TO M. C. R. 43

Choctaw MCR 4356

Emma V. Mayson

MCR 4356

4356.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 9th, 1901.

In the matter of the application of Emma V. Mayson for the identification of herself as a Mississippi Choctaw.

Said Emma V. Mayson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Emma V. Mayson.  
Q What is your age? A Thirty nine.  
Q What is your postoffice address? A Jackson, Mississippi.  
Q How long have you lived in Jackson? A I have lived there all my life.  
Q How much Choctaw blood have you? A well, I conclude that since my grandfather-I have the impression that he was a full blood Choctaw and I must be a quarter is my father was a half.  
Q Is your father living? A Yes sir.  
Q What is his name? A Mat Potter.  
Q Is he the Mat Potter who appeared before the Commission at this place this morning? A Yes sir.  
Q Has he always lived in Mississippi? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Haster Potter.  
Q Has she any Choctaw blood? A No sir.  
Q How much has your father? A My father is half, I suppose.  
Q Your father and mother were both slaves, were they not? A Yes sir.  
Q Were your father and mother lawfully married? A Yes sir.  
Q Under a license? A I suppose they were. I don't know.  
Q Were they married during slavery times or since the surrender? A In slavery days.  
Q During the war? A Yes sir. They were slaves.  
Q How long have they lived together as man and wife? A They are living together now.  
Q Did they ever have any other children besides you? A Yes sir, one, a girl.  
Q Is she living now? A No sir.  
Q Did she live to be grown? A No, she died when she was a child.  
Q Through which one of his parents did your father get his Choctaw blood? A His father.  
Q Did you know him? A Yes sir.  
Q What was his name? A Nelson Potter.  
Q How much Choctaw blood did he have? A I always had the impression that he was whole Choctaw.  
Q How long has he been dead? A I think he died in 1884.  
Q Where did he live during his life time? A In Jackson.  
Q Did he live there all his life? A Since I have known him.  
Q How old would he be if he were living now? A About 82 or 84 years old.  
Q Did he speak or understand the Choctaw language? A Yes sir, I have heard him converse with Indians myself.  
Q You didn't understand what they were saying? A No sir.  
Q Did he have the appearance of being a full blood? A Yes sir.  
Q Were you acquainted with your father's mother? A No sir, she died when I was a baby.

Emma V. Mayson---2

- Q Did she have any Choctaw blood? A None that I know of.
- Q Was she a slave? A Yes sir.
- Q Was your father's father a slave? A I don't know.
- Q Do you know the name of either one of Nelson's parents? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Have you been married more than once? A No sir.
- Q Has your husband any Choctaw blood? A Not that I know of.
- Q Do you make any application for him? A No sir.
- Q What is his name? A Harry L. Mayson.
- Q Have you any children? A Yes sir.
- Q How many? A One daughter.
- Q Is she of age? A Yes sir.
- Q Where does she live? A In Jackson.
- Q What is her name? A Pearl Beall, she is Dr. Beall's wife.
- Q This application then is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- 
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir, I did not.
- Q Was any application ever made for you of that kind? A No sir.
- Q Did you or did anyone for you in the year 1866 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1866? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Tribal authorities or the United States authorities? A No sir.
- Q Have you ever made any application of any description before today? A None whatever, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Is the Mat Potter who appeared before the Commission this morning your father? A Yes sir.
- Q You were present during his examination, were you not? A Yes sir.
- Q You have heard the 14th article of the treaty of Dancing Rabbit Creek explained, have you not? A Yes sir.
- Q Do you understand that thoroughly? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir, none that I know of.
- Q Were any of them living here in 1830 when this treaty was made? A My grandfather must have been.
- Q Do you know whether any others were? A I don't know sir.
- Q Do you know whether any of them owned an improvement here at that time? A I do not.
- Q Do you know whether any of them were recognized members of the Choctaw Tribe here at that time? A No sir.
- Q Do you know whether any of them removed from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir, I don't know.

Emma V. Mayson ---3

- Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Government Agent here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States? A No sir.
- Q Do you know whether any of them ever claimed or received land here in Mississippi under article 14 of the treaty? A No sir.
- Q Or under any other article of the treaty or under the supplement to the Treaty? A None whatever, sir.
- Q Did you ever hear of any of your people ever having gotten any land here in Mississippi from the Government? A No sir.
- Q Or any money from the Government? A No sir.
- Q Do you know whether any of your ancestors were ever recognized members of the Choctaw Tribe of Indians? A I don't know, sir.
- Q Did you ever hear of any of them ever having lived in Indian Territory? A No sir.
- Q You heard me explain to your father the conditions which brought about the acts of Congress of March 3, 1837, February 22, 1838, and August 23, 1842, did you not? A Yes sir.
- Q And the subsequent transactions under those acts? A Yes sir.
- Q Do you understand those thoroughly? A Yes sir.
- Q Did any of your ancestors ever appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty? A No sir, none that I know of.
- Q Did any of them ever receive any scrip from the United States Government under the act of Congress approved August 23, 1842? A No sir.
- Q Do you know anyone living who would likely be informed as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I do not.
- Q Have you any witnesses here today? A Yes, some that have testified in my father's case.
- Q They are the only witnesses you have? A Yes sir.

If you should find any other witnesses whose testimony you desire to have taken by the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall or at Meridian Mississippi, between January 15th and February 15th, next, or at the general office of the Commission at Muskegee, Indian Territory, within a reasonable time and their testimony will be taken.

- Q You have no brothers or sisters living? A No sir.
- Q I believe you stated you had one sister who is now dead? A Yes sir.
- Q Did she leave any children? A No sir.
- Q Are any of your father's brothers living? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Richard Potter and Horace Potter. Richard lives in Louisiana and Horace in Jackson.
- Q Is the Horace Potter who appeared before the Commission just before you the brother of your father? A Yes sir.
- Q Has your father any brothers dead? A I heard from him that he had.



Emma V. Mayson---4

- Q Did any of them leave children? A None that I know of.  
Q Did any of his sisters leave children? A None that I know of.

This applicant has the appearance of being possessed of both white and negro blood, the white blood apparently predominating. She does not speak or understand the Choctaw language. She shows no indications of being possessed of Indian blood, though her father has the appearance of being possessed of some Indian blood.

-----

Mat Potter, being called to testify and being first duly sworn testified as follows:-

Examination by the Commission.

- Q What is your name? A Mat Potter.  
Q How old are you? A Fifty nine.  
Q Are you the Mat Potter who appeared here before the Commission this morning? A Yes sir.  
Q Are you acquainted with Emma Mayson? A Yes sir.  
Q What relation is she to you? A My daughter.  
Q What is her mother's name? A Easter Patter.  
Q Are you living with your wife now? A Yes sir.  
Q How long have you been living with her? A Since 1859.  
Q Were you married to her at that time? A No, I married her during old slavery times.  
Q How is that? A We took up together.  
Q You were both slaves, then? A Yes sir.  
Q No ceremony was performed? A No sir and there was no license.  
Q You have lived together continuously since 1859 as man and wife? A Yes sir.  
Q You only have one child living? A That's all.  
Q Were any other children ever born to you? A Yes sir, one daughter but she is dead.

Witness excused.

Elijah A. Peyton, being called to testify in behalf of this applicant and being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Elijah A. Peyton.  
Q How old are you? A Seventy-five.  
Q Where do you live? A Jackson, Mississippi.  
Q What is your occupation, Mr. Peyton, if you have any at this time? A I am now doing nothing; I have been connected with the United States Court for a number of years as clerk of that court but now I am doing nothing. I was formerly United States Marshal for the Southern District of Mississippi under General Grant in 1869.  
Q Are you acquainted with Emma Mayson? A Yes sir.  
Q Do you know her father's name? A Yes sir, Mat Potter.

Ema V. Hayson---5

Q Do you know Ema's mother? A Yes sir.

Q How long have her father and mother lived together? A They were living together five or ten years before 1865.

Q Did you know them during slavery times? A Yes sir.

Q They were both slaves, were they? A Yes sir.

Q Did they come together during slavery times? A Yes sir.

Q What was the custom during slavery times? A The master or mistress gave their consent to the marriage and they were generally taken into the parlor of their owners and they were married there by the consent of the master or mistress and someone would read a chapter--there was no license.

Q Do you know whether such a ceremony was performed with Mat?

A Yes sir, I think so.

Q Were you present at their marriage? A No sir, but I have known his wife almost all my life. When the surrender took place my recollection is that Potter was in the army somewhere and his wife Easter was with my sister in Selma, Alabama, and he came there and brought her back to Mississippi.

Witness excused.

-----

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 9th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Miles*  
Subscribed and sworn to before me this the 10th day of December, 1901, at Carthage, Mississippi.

*L. A. Mosley*  
Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]* Deputy.

Miss. Choctaw  
4354, 4355, 4356.

Muskogee, Indian Territory, April 11, 1902 .

Andrew W. Jones,

P. O. Box 38, Meridian, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the fifth instant, stating that since the date of the applications for identification as Mississippi Choctaws of Matt Potter, Horace Potter and Emma V. Mayson you have been employed to represent them in the presentation of additional testimony at Meridian, Mississippi, between April 14 and April 30, 1902, inclusive, and you ask to be supplied with a copy of their testimony.

In compliance with your request there is inclosed you herewith copies of the testimony of Mat Potter, Elijah A. Payton, Robert Day, and James M. Parker, in the application of Mat Potter for identification as a Mississippi Choctaw; testimony of Horace Potter in the matter of his application for identification as a Mississippi Choctaw; testimony of Emma V. Mayson, Mat Potter and Elijah A. Payton in the matter of the application of Emma V. Mayson for identification as a Mississippi Choctaw.

A.V.J. 2

Kindly sign the inclosed receipts and return to this  
office for filing with the records in the above named cases.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 4386

Muskogee, Indian Territory, October 31, 1902.

Anna V. Mayson,  
Jackson, Mississippi.

Dear Madam:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mat Potter, et al., embracing the following applications for identification as Mississippi Choctaws:

Mat Potter,  
Hernoe Potter,  
Anna V. Mayson,  
Pearl Beall,

M.C.R. 4384  
M.C.R. 4386  
M.C.R. 4386  
M.C.R. 4387

These applications were made under the provision of the act of Congress of June 30, 1898 (30 Stats., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Mat Potter, Hernoe Potter, Anna V. Mayson and Pearl Beall as such should therefore be refused and it is so ordered."

Wm V. Hayden-----

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamr Birby.*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 2, 1903.

Emma V. Mayson,

Jackson, Mississippi.

Dear Madam:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Mat Potter, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony of Emma V. Mayson, Mat Potter and Elijah  
A. Peyton, in the matter of the application of Emma V. Mayson for  
identification as a Mississippi Choctaw.

Andrew Jones

Dated at Meridian, Miss.  
this 17th April 1902



For Identification as a Mississippi Choctaw.  
Carthage, Miss.

Date DEC 9 1901

Name

Emma V. Mayson

Age

39

Blood  $\frac{1}{4}$

Post Office,

Jackson, Miss.

Father:

Mat Potter

L

Mother:

Easter

"

L

Claims through father.

(Claims through father's father,  
Mat Potter.)

(Claims

Children:

husband Harry L. Mayson L  
(no claim for husband.)

Stenographer

J. S. Miles.

*Emma V. Mayson*

REFUSED

DECISION RENDERED. OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

*B 4357* OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 25 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 2 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 2 1903

REFER TO M. C. R. *4357*

Choctaw MCR 4357

Pearl Beall

MCR 4357

43-5  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 9th, 1901.

In the matter of the application of Pearl Beall for the identification of herself as a Mississippi Choctaw.

Said Pearl Beall, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Pearl Beall.  
Q How old are you? A Twenty.  
Q What is your postoffice address? A Jackson, Mississippi.  
Q How much Choctaw blood do you claim to have? A One eighth.  
Q How long have you lived at Jackson? A All my life.  
Q Is your father living? A Yes sir.  
Q What is his name? A Harry Mayson.  
Q Has he any Choctaw blood? A None as I know of.  
Q Was he a slave? A No sir.  
Q Were his father or mother, either of them, slaves? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Emma Mayson.  
Q Is she the Emma Mayson who appeared before the Commission just before you did? A Yes sir.  
Q How much Choctaw blood has she? A She is one fourth, that is what they say.  
Q Has she always lived in the State of Mississippi? A Yes sir.  
Q You claim your Choctaw blood solely through her? A Yes sir.  
Q Is her father living? A Yes sir.  
Q What is his name? A Mat Potter.  
Q Is he the Mat Potter who appeared before the Commission here this morning? A Yes sir.  
Q How much Choctaw blood has he? A One half.  
Q Has your mother's mother any Choctaw blood? A I don't know. I haven't heard her say.  
Q Through which one of his parents did Mat Potter get his Choctaw blood? A Through his father.  
Q What was his name? A Nelson Potter.  
Q Did you know him? A I just remember him.  
Q You claim he was a full blood Choctaw? A Yes sir, that is what they tell me.  
Q Do you remember his personal appearance? A No sir.  
Q Where did he live during his life time? A In Mississippi.  
Q Did he live here all his life? A Yes sir.  
Q Do you know anything about the marriage of your mother's father and mother? A No sir.  
Q Or your mother's father's father and mother? A No sir.  
Q You don't know anything about that? A No sir.  
Q Were your mother's parents both slaves? A Yes sir.  
Q Do you know whether they were married during slavery times?  
A They married like slaves married. That is what I heard them say.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A Dr. J. E. Beall.  
Q Has he any Choctaw blood? A No.  
Q You make no claim for him then? A No sir.

Pearl Beall--2

Q Have you any children? A No sir.

Q This application then is for yourself only? A Yes sir.

Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.

Q Did anyone else ever make such an application for you? A No sir.

Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Tribal authorities or the United States authorities? A No sir.

Q Have you ever made any application of any description before today? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q You have been present here in the office of the Commission this morning during the examination of your mother and have heard the 14th article explained, have you not? A Yes sir.

Q You understand the 14th article thoroughly, do you? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions? A Not that I know of.

Q Did any of them ever receive any benefits under that article? A No sir.

Q Were any of them living here at the time the treaty was made, 71 years ago? A Yes, I suppose so, my great grandfather was here.

Q What was his name? A Nelson Petter.

Q Do you know where he lived at that time? A He lived in the northern part of the State somewhere.

Q Did he own an improvement here at that time? A Not that I know of.

Q Was he a recognized member of the Choctaw Tribe here at that time? A I don't know.

Q Did he or any other of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

A No sir, I think not.

Q Did any of your ancestors within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Agent for the Choctaws here in Mississippi their intention to remain here in Mississippi and become citizens of the States? A Not that I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever claim or receive any land from the Government under any other article of the treaty than article 14 or under the supplement to the treaty? A Not that I know of.

Q Did you ever hear of any of your people ever getting any land here in Mississippi from the Government? A No sir.

Q Or any money from the Government? A No sir.

Q Did you ever hear of any of them being recognized members of the Choctaw Tribe of Indians? A No sir.

Q Did you ever see or hear of any deed or patent issued to any of your people by the Government of the United States covering land here in Mississippi received under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q You heard explained to your father the causes which brought about the acts of Congress approved March 3, 1837, February 22, 1838 and August 23, 1842, did you not? A Yes sir.

Q And you heard explained the transactions that took place under those acts of Congress, did you not? A Yes sir.

Q And understand them? A Yes sir.

Q Did any of your ancestors appear before the Commissions appointed under either of these acts of Congress and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever claim or receive any scrip from the Government of the United States under this act of Congress approved August 23, 1842? A I don't know.

Q Do you know anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of anyone except those that came here. I refer to Col. Peyton, Mr. Parker and Mr. Day, who testified this morning in my grandfather's case.

If you should find any other witnesses whose testimony you desire to have taken by the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall, at Meridian, Mississippi, between January 15th and February 15th next, or at the general office of the Commission at Muskogee, Indian Territory, within a reasonable time, and their testimony will be taken.

Q Have you any brothers or sisters living? A No sir.

Q Did you ever have any brothers or sisters? A No sir, never had any.

Q Are any of your mother's brothers or sisters living? A No sir.

Q Did she ever have any brothers? A No sir.

Q Did she ever have any sisters? A Yes sir, she had one.

Q Did that sister die in infancy? A Yes sir, she said she did.

This applicant has the appearance of being possessed of white and negro blood in which the white blood largely predominates. She shows no indications of being possessed of Indian blood, though her grandfather Mat Potter, who appeared before the Commission this morning, shows slight indications of being possessed of Indian blood.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Car-

Pearl Hall---

thage, Mississippi, December 9th, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 18th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosley*  
Clerk U. S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

Muskogee, Indian Territory, March 25, 1902.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony of Pearl Beall in the matter of her appli-  
cation for identification as a Mississippi Choctaw.

Andrew W. Jaws



COPY

M. C. R. 4357

Muskogee, Indian Territory, October 21, 1902.

Pearl Beall,

Jackson, Mississippi.

Dear Madam:

You are hereby advised that on the 21st day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mat Potter, et al., embracing the following applications for identification as Mississippi Choctaws:

Mat Potter,  
Horace Potter,  
Fema V. Hayson,  
Pearl Beall,

M. C. R. 4354  
M. C. R. 4355  
M. C. R. 4356  
M. C. R. 4357

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw and that the applications of Mat Potter, Horace Potter, Fema V. Hayson and Pearl Beall as such should therefore be refused, and it is so ordered."

Pearl Beall-----8

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James D. Ditty*  
Acting Chairman.

Registered.

COPIES

Muskegee, Indian Territory, April 2, 1903.

Pearl Beall,  
Jackson, Mississippi.

Dear Madam:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Mat Potter, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

#1542

No. 4357

For Identification as a Mississippi Choctaw.  
Carthage, Miss

Date

DEC 9 1901

Name

Pearl Beall

Age 20

Blood  $\frac{1}{8}$

Post Office,

Jackson, Miss

Father:

Harry Mason

L.

Mother:

Emma

"

L.

Claims through mother

(Applicant claims through Nelson  
Potter, her great grandfather.)

Husband: J. E. Beall

L.

(No claim for husband)

Children:

(Claims for self only.)

Stenographer

J. S. Ailes

Pearl Beall

REFUSED

DECISION RENDERED. OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

R. 4357 OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 25 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 2 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

APR 2 1903

REFER TO M. C. R. 43

Choctaw MCR 4358

Winston Hattenstie

See MC #7

MCR 4358

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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Herein is the record in the matter of the application of  
Winston Hattenstie, et al., for identification as Mississippi  
Choctaws, M.C.R.4358.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Winston Hattenstie, et  
al., for identification as Mississippi Choctaws, M.C.R.4358.

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Decision of the Commission identifying Winston Hattenstie as a Mississippi Choctaw,.....	9



4358.  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 9th, 1901.

In the matter of the application of Winston Hattenstie for the identification of himself, his wife Susan and five minor children, Cretia H., Wade, Johnnie, Maude and Jessie Hattenstie, as Mississippi Choctaws.

Said Winston Hattenstie, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Winston Hattenstie.  
Q How old are you? A I was born in 1859, I am about 42 years old.  
Q How much Choctaw blood have you? A I reckon it is all.  
Q You claim to be a full blood, then? A Yes.  
Q What is your postoffice address? A Bertice.  
Q Leake County, Mississippi? A Yes.  
Q How long have you lived in Leake County, Mississippi? A I have been in Leake County all my life nearly. I was born in Neshoba County.  
Q You have lived in this State all your life then? A Yes sir.  
Q Never been in Indian Territory? A No sir.  
Q Is your father living? A No sir.  
Q Have you a Choctaw name? A No sir.  
Q Did your father have a Choctaw name? A Not that I know of, Thomas Hattenstie is all I know.  
Q Was he a full blood? A Yes.  
Q How long has he been dead? A About twenty years.  
Q Did he always live in Mississippi? A Yes sir.  
Q About how old was he at the time of his death? A I couldn't tell you.  
Q Cant you give us an idea? A No sir.  
Q Was he older than you are now? A Yes.  
Q An old man, was he, when he died? A He was getting tolerably old.  
Q Did you ever hear of his ever having been in Indian Territory? A No sir.  
Q Do you know the name of his father or mother? A No sir.  
Q You don't know anything about them? A No sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Ellen.  
Q Did she have a Choctaw name? A Not that I know of.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes.  
Q How long has she been dead? A She has been dead going on two years.  
Q How old was she when she died? A I suppose he would be close on sixty years old.  
Q Do you know the name of her father or her mother? A Yes sir, her father's name was Anolata and her mother's name was Hotaka.  
Q They are both dead, are they? A Yes.  
Q You don't know the name of any of your mother's ancestors further back than her father and mother? A No sir.  
Q Have all of her people always been full bloods? A Yes sir.  
Q And always have lived here in Mississippi, have they? A Yes sir.

- Q Are you married? A Yes sir.
- Q Have you been married more than once? A No sir, only once.
- Q Is your wife living? A Yes sir.
- Q Were you married to her under a license or according to Choctaw custom? A Under a license.
- Q Have you your license with you now? A No sir. It is at the clerk's office in the court house at Carthage.
- Q Who married you? A Porter.
- Q A minister of the gospel or a justice of the peace? A He was a member of the Board of Supervisors.
- Q Where were you married? A Over the River close to where I live.
- Q When was that? A That was February 15th, 1885.
- Q Has your wife any Choctaw blood? A Yes.
- Q How much? A Three quarters.
- Q What is your wife's name? A Susan.
- Q Do you want to make application for her too? A Yes.
- Q How old is she? A Thirty years old.
- 
- Q Has she always lived in Mississippi? A Yes sir.
- Q Are you living with her at this time? A Yes sir.
- Q Is her father living? A Yes sir.
- Q What is his name? A Thomas Anderson.
- Q Where does he live? A He lives close to Ofahoma.
- Q How much Choctaw blood has he? A Half Choctaw and half white.
- Q Do you know the name of Tom's father or his mother? A No sir, I don't know.
- Q Is your wife's mother living? A Yes sir.
- Q What is her name? A Siney.
- Q Is she a full blood Choctaw? A Yes.
- Q Do you know her father's name or her mother's name? A Yes sir.
- Q What is her father's name? A William Stoliby.
- Q Is he living? A No sir, he has been dead several years.
- Q Did he have a Choctaw name? A Not that I know of.
- Q What was your wife's mother's mother's name? A Eliza.
- Q Did she have a Choctaw name? A Not that I know of.
- Q Is she dead too? A Yes sir, they are all dead.
- Q Has your wife's father or mother, either, a Choctaw name? A No sir.
- Q You don't know the name of any of your wife's ancestors further back than her mother's father and mother? A No sir.
- Q All of your wife's mother's ancestors have been fullbloods, have they? A Yes sir.
- Q Have you any children for whom you want to make application?
- A Yes sir.
- Q How many? A Five living.
- Q What are their names? A Cretia Hope.
- Q How old is she? A About fifteen.
- Q Next one? A Wade.
- Q How old is he? A Thirteen.
- Q Next one? A Johnnie.
- Q Is that a boy or girl? A Girl.
- Q How old is she? A Twelve years old.
- Q Next one? A Maude.
- Q How old is she? A Four years old.
- Q Next one? A Jessie.
- Q How old is she? A Three months.
- Q Is that all your children? A Yes sir, that's all.

Winston Hattenstie et al---3

- Q Are these children all living with you at this time? A Yes sir.
- Q Are they all the children of yourself and Susan Hattenstie? A Yes sir.
- Q This application then is for yourself, your wife and five minor children? A Yes sir.
- Q Is your name, your wife's name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory, for yourself, wife or any of these children to be admitted or enrolled as members of that Tribe? A No.
- Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself, wife or any of these children under the act of Congress approved June 10, 1896? A No sir.
- Q Have you ever made any application of any kind for yourself, wife or any of these children before today? A I did three years ago at Carthage.

The records of the Commission show that on the 24th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, his wife Susan, and children, Cretia H., Wade, Johnnie, Maude, and his mother Ellen Hattenstie as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 7, also on page 35 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 29 to 37 inclusive, respectively, thereon.

- Q Is this application made by you three years ago the only application ever made by any of your family? A Yes sir, that is the only one.
- Q At the time you appeared before the Commission three years ago you gave in the name of a child Lena and a child Thomas? A Yes sir.
- Q Are they living now? A No sir, dead.
- Q When did they die? A They died last April a year ago.
- Q You also gave in the name of your mother, Ellen, is she living? A No sir.
- Q When did she die? A August 20th, 1900.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article? A Not exactly.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. That was 71 years ago. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to get these Indians to move from this country to a new country west of the Mississippi River, part of which

is now occupied by the greater portion of the Choctaw Tribe of Indians and is known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. An article is a part or subdivision of a treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. It is as follows:-

"Each Choctaw head of a family desiring to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

Q Do you think you understand that 14th article of the treaty?

A Yes I see into it now.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions? A Not that I know of.

Q Do you know whether any of them were living here at the time the treaty was made? A No sir.

Q Do you know whether any of them owned an improvement here at that time? A No sir, I don't know.

Q Do you know whether any of them were recognized members of the Tribe here at that time? A No sir, I don't know.

Q Do you know whether any of them removed from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States? A Not that I know of.

Q Do you know whether any of them ever claimed or received any land here in Mississippi from the Government under article 14 of the treaty? A Not that I know of.

Q Did you ever hear of any of them ever getting any land under any other article of the treaty? A No sir.

Q Or under the supplement to the treaty? A No sir.

Q You never heard, then, of any of your ancestors or any of your wife's ancestors ever having received any land here in Mississippi from the Government? A No sir.

Q Did you ever hear of any of them ever having gotten any money from the Government? A Well, I have heard a good many talks about their getting money but I never saw any of it. I heard some went out there and come back here.

Q Did you hear that some of your people went out there and got money? A I don't know whether they ever did or not. I know my mother's sister went out there but I don't know whether she got any money or not.

Q Did your mother's sister come back here? A Yes sir, she went out there and stayed four years and come back.

Q When was that she was out there? A Been a long time ago.

In accordance with the provisions of article 14 of the Treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay and become citizens, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and owned improvements and which they thought they would get under article 14 of the treaty. This action of the Government in selling their land caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had in all respects complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these cases but in the time given them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of cases, so it became necessary for Congress to make further provision by which the remainder of these Choctaws might be given hearings. So, another act was passed which was approved the 23rd day of August 1842, providing for the appointment of another Commission to come down here and finish up this work. This second Commission was appointed by the President and the Commissioners came down here to Mississippi and heard a great many more of these cases. That was in the forties that they were here. They held some sessions in this County.

Q Did any of your ancestors or any of your wife's ancestors appear

before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that His land had been sold by the Government, he should be entitled to select, in lieu thereof, land some place else here in Mississippi, or over in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the United States Government?

A No tthat I know of. I bought all the land I ever got.

Q None of your people or none of your wife's people ever got any land under that old treaty? A No sir.

Q Do you know anyone living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dan ing Rabbit Creek or ever received any benefits under that article? A No sir.

Q You don't know of any old person who would know that? A No sir.

Q Have you any witnesses here today? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall, at Meridian, Mississippi, between January 15th and February 15th, next, or at the general office of the Commission in Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

Q Did you ever see or hear of any deed or patent issued to any of your people or any of your wife's people covering land here in Mississippi gotten from the Government? A No sir.

Q Have you any brothers living? A No sir, and no sisters; I had one brother but he is dead now. He went to the Territory.

Q Did he leave children? A Yes sir.

Q Where do they live? A I don't know where they live now.

Q Do they live in the Territory? A Yes sir. There are two children about grown.

Q You never had any sisters? A No sir.

Q And only one brother? A Yes sir.

Q Are any of your mother's brothers or sisters, or your father's brothers or sisters living? A No sir.

Q Are any of the children of any of them living? A No sir.

Q Are any of your wife's brothers or sisters living? A Yes sir.

Q How many brothers has she living? A Three.

Q W at are their names? A Jim Anderson.

Q Lives here in Leake County? A Yes sir; and Luckett Anderson, he lives here in Leake County; and Robert Anderson, lives in Indian Territory.

- Q How long has Robert lived out there? A Been gone over ten years I reckon.
- Q Is he a recognized member of the Tribe out there? A I reckon so.
- Q Do you know whether he has been admitted to citizenship? A Not what I know of.
- Q Did he ever hold any office with the Choctaw Government there?
- A I think so.
- Q What? A I don't know but I heard he had an office out there.
- Q Did any of your wife's brothers who are now dead leave children?
- A No sir, they was all small.
- Q Has your wife any sisters living? A She got two.
- Q What are their names? A Eliza Anderson, she lives at home.
- Q What is the name of the next one? A Phoebe, she is my brother's wife and lives in Indian Territory.
- Q What are the names of her children out there, do you know? A I don't know but the two that went away from here, Jess and Paul.
- Q What was your brother's name? A Bill Henson.
- Q Do you know whether this family are recognized members of the Tribe out there? A I reckon so. My brother went out there and got some money.
- Q Do you know that he was admitted to citizenship? A Yes sir.
- Q He was a full blood? A Yes sir.
- Q Are any of your wife's sisters dead? A One.
- Q Did she leave children? A No sir, she was small when she died.
- Q Are any of your wife's father's brothers or sisters living? A No sir.
- Q Are any of their children living? A No sir.
- Q Are any of your wife's mother's brothers or sisters living? A Got a brother down here.
- Q What is his name? A Dave Stoliby.
- Q Where does he live? A Ofahoma.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A Nicey, I believe.
- Q Has your wife's mother any brothers dead? A Yes sir, I think so.
- Q Did any of them leave children? A I don't think they did.
- Q Has your wife's mother any sisters living? A Yes sir.
- Q How many? A One.
- Q What is her name? A Sallie.
- Q Sallie what? A She has been married once or twice.
- Q Was her maiden name Stoliby? A Yes.
- Q What was her first husband's name? A Wesley Weshock.
- Q What was her next husband's name? A Old man Simpson, I believe.
- Q Simpson what? A I don't know.
- Q Did she marry more than twice? A No sir.
- Q Did your wife's mother ever have any other sisters besides Sallie?
- A Yes sir, one.
- Q Did she leave children? A No sir.

This applicant is to all appearances a full blood Indian. He speaks and understands the Choctaw language and also speaks and understands English, the examination having been conducted entirely in English.

Ira S. Niles, being first duly sworn, states that as stenogra -



Winston Hattenstie et al--a

per to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 9th, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 12th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Winston Hattenstie, et  
a;., for identification as Mississippi Choctaws, M.C.R. 4358.

---: D E C I S I O N :---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on December 9, 1901, by Winston Hattenstie for himself, his wife,  
Susan Hattenstie, and his five minor children, Cretia Hope, Wade,  
Johnnie, Maude and Jessie Hattenstie, under the following provision  
of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that the principal applicant is a full-blood Mississippi  
Choctaw Indian. All the other applicants are mixed blood Choctaws,  
and whatever rights as Mississippi Choctaws they may possess by  
reason thereof will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act  
to ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Winston Hattenstie should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

APR 20 1904

  
Commissioner.

COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Winston Hattenstie, et al., for identification as Mississippi Choctaws, M.C.R. 4388.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Winston Hattenstie for himself, his wife, Susan Hattenstie, and his five minor children, Creatia Hope, Wade, Jehnnie, Maude and Jessie Hattenstie, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the records of the Commission it appears that the principal applicant, Winston Hattenstie, who is a full-blood Mississippi Choctaw Indian, was, on April 26, 1904, duly identified as a Mississippi Choctaw under the provisions of section forty-one of the

act of Congress approved July 1, 1902, (32 Stats., 641). The evidence herein shows that all the other applicants are mixed-blood Choctaws, and as such do not come within the purview of said section.

It also appears that Susan Hattenstie claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Thomas Anderson, William Steliky and Eliza Steliky, the former of whom is alleged to have been an one-half blood Choctaw Indian, and the two latter to have been full-blood Choctaw Indians, and that the minor applicants herein claim said rights by reason of being descendants of the above named ancestors and Thomas Hattenstie, Anelata and Netaka, all of whom are alleged to have been full-blood Choctaw Indians.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor are any of the applicants herein parties litigant before the Choctaw-Chickasaw Citizenship Court created under the act of Congress approved July 1, 1902 (32 Stats., 641).

It is found that the name Anelata appears on pages 193, 245, and 316, and the name Netakah on pages 375 and 476 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs.

the United States before the Court of Claims No. 12742, and the name Hotakah is also found on pages 1089 and 1090 and the name Hotaka on pages 1006 of Volume II of said record in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty, but it does not appear from the evidence submitted in support of said application that the ancestors, through whom these applicants claim, are identical with any of the persons whose names appear in the record above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Anelata, or Hotaka, through whom these applicants claim, or Thomas Andersen, or William Stelby, or Eliza Stelby, or Thomas Hattenstie, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1857, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Hattenstie, Grentia Hope Hattenstie, Wade Hattenstie, Johnnie Hattenstie, Maude Hattenstie and Jennie Hattenstie, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as

such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Bixby.*

Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

SEP 13 1904

SEP 13 1904

Muskogee, Indian Territory, April 26, 1904.

Winston Hattenstie,

Bertice, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 26, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(NEO)

*Rich*

Registered.

Chairman.

Enc. MCR 4358.

COPY.

M.C.R. 4358.

Muskogee, Indian Territory, April 26, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered April 26, 1904, identifying Winston Hattenstie as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Winston Hattenstie as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file protest within the time allowed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

No. MCR 4358.



M.C.R. 4358  
COPY.

Muskogee, Indian Territory, September 13, 1904.

Winston Hattenstie,  
Bertice, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 13, 1904, rendered its decision, refusing the application for identification as Mississippi Choctaws of your wife, Susan Hattenstie, and of your children, Creatia Hope Hattenstie, Wade Hattenstie, Johnnie Hattenstie, Maude Hattenstie and Jessie Hattenstie.

You are further notified that the applicants herein will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamc Bixby.*

Registered.

Chairman.

Muskogee, Indian Territory, September 14, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 13, 1904, refusing the application for identification as Mississippi Choctaws of Susan, Oreatia Hope, Wade, Johnnie, Maude and Jessie Hattenstie.

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Thomas P. Rigby,*

Chairman.

Incl. MCR 4358.

Muskogee, Indian Territory, October 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the Mississippi Choctaw case of Winston Hattenstie, et al., including the decision of the Commission of September 13, 1904, refusing the applications of Susan, Creatia Hope, Wade, Johnnie, Maude, and Jessie Hattenstie applicants in said case.

The Commission has the honor to report that the applicants herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

You are further advised that Winston Hattenstie was on April 26, 1904, identified by this Commission as a full blood Mississippi Choctaw, his name appearing upon a schedule of duly identified Mississippi Choctaws, opposite number 2097, approved by the Secretary of the Interior on July 16, 1904.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Chairman.

(COPY)

CFL

Land.  
69236-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated October 1, 1904, transmitting the record of the application for identification as Mississippi Choctaws by Winston Hattenstie for himself, his wife, Susan Hattenstie, and his five minor children, Creatia Hope, Wade, Johnnie, Maude and Jessie Hattenstie.

April 26, 1904, the Commission duly identified Winston Hattenstie as a full-blood Mississippi Choctaw Indian. September 13, 1904, the Commission decided adversely to all <sup>the</sup> other applicants.

The record shows that all the other applicants are mixed blood Choctaws. It also appears that Susan Hattenstie claims rights in the Choctaw lands under the 14th article of the treaty of Dancing Rabbit Creek by reason of being a descendant of Thomas Anderson, William Stoliby and Eliza Stoliby, the former of whom is alleged to have been an one-half blood Choctaw Indian and the two latter to have been full-blood Choctaw Indians, and that the minor applicants claim said rights by reason of being descendants of the above named ancestors and Thomas Hattenstie, Anolata, and Hotaka, all of whom are alleged to have been full-blood Choctaw

Indians. It further appears from the record and from the records of this office, that none of said applicants has ever been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal, nor are any of them parties litigant before the Choctaw-Chickasaw Citizenship Court.

It does not appear from the record, or from the records of this office, relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty, of 1830, and to persons who heretofore were claimants thereunder, that the said Anilata, or Hotaka, through whom these applicants claim, or Thomas Anderson, or William Stoliby, or Eliza Stoliby or Thomas Hattenstie, or an ancestor less remote signified in person or by proxy to any person an intention to comply with the provisions of said article 14 or presented a claim to rights thereunder or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to Susan, Creatia Hope, Wade, Johnnie, Maude and Jessie Hattenstie is recommended.

Very respectfully,

A.C. Tonner

Acting Commissioner

MM

(COPY)

YP.

DEPARTMENT OF THE INTERIOR,

FHE.

B. C. 49226-1904.

WASHINGTON.

I.T.D. 12312-1904.

December 14, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 1, 1904, you transmitted the record in the Mississippi Choctaw case of Winston Hattenstie, et al. (M.C.R. 4358), including your decision of September 13, 1904, rejecting the applications for the identification of Susan, Creatia Hope, Maude, Johnnie, Maude and Jessie Hattenstie, it appearing that the principal applicant, Wilston Hattenstie, was on April 26, 1904, duly identified by your Commission as a full blood Mississippi Choctaw Indian.

Reporting in the matter December 5, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting said applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, December 29, 1904.

COPY.

Winston Hattenstie,

Bertlee, Mississippi,

Dear Sir:

You are hereby notified that on the 14th day of December, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of your wife, Susan Hattenstie, and your children, Creatia Hope Hattenstie, Wade Hattenstie, Johnnie Hattenstie, Maude Hattenstie and Jessie Hattenstie, of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,

SIGNED,

*Tamie Bixby*  
Chairman.

Muskogee, Indian Territory, December 29, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 14th day of December 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Susan Hattenstie, Creatia Hope Hattenstie, Wade Hattenstie, Johnnie Hattenstie, Maude Hattenstie and Jessie Hattenstie, included in the case of Winston Hattenstie, et al, a copy of which decision was mailed you on the 13th day of September, 1904.

Respectfully,

(SIGNED).

*James Bixby*

Chairman.



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE  
*Identification*  
Application for ~~recognition~~ of

INFANT CHILD

*Jessie Nattensta*  
as a ~~citizen of~~

MISSISSIPPI CHOCTAW;

Nation.

Approved,

190

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

Commissioner.

*See Miss Cho Card Rec 1907.*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED  
DEC 17 1901

*[Signature]*  
ACTING CHAIRMAN

MISSISSIPPI CHOCTAW. #7

4358

Miss. Choc. card field No. 7.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application <sup>Identification</sup> for ~~birth~~, as a ~~citizen~~ of the MISSISSIPPI CHOCTAW, ~~Nation~~.

of Jessie Hattenstie (Here insert name of child), born on the 8 day of September, 1901.

Name of Father: Winston Hattenstie, a ~~citizen~~ of the MISSISSIPPI CHOCTAW, ~~Nation~~.

Name of Mother: Susan, a ~~citizen~~ of the ~~Nation~~.

Post-office, Bertice, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

<sup>Indian Territory</sup>  
State of Mississippi District. }  
County of Pearl

I, Susan Hattenstie, on oath state that I am 30

years of age and a ~~citizen~~ by Full Blood of the Choctaw Indian ~~Nation~~;

that I am the lawful wife of Winston Hattenstie, who is a ~~citizen~~ by

Full Blood of the Choctaw Indian Nation, that a male child was (male or female)

born to me on the 8 day of September, 1901; that said child has been

named Jessie Hattenstie, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Winstone Hattenstie  
Randy Baylon

Susan Hattenstie  
mark

Subscribed and sworn to before me this 11 day of December, 1901.

N. T. White J. T.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

<sup>Indian Territory</sup>  
State of Mississippi District. }  
County of Pearl

I, Randy Baylon, a midwife, on oath state that I

attended on Mrs. Susan Hattenstie, wife of Winston Hattenstie,

on the 8<sup>th</sup> day of September, 1901; that there was born to her on

said date a male child; that said child is now living and is said to have been (male or female.)

named Jessie Hattenstie.

WITNESSES TO MARK:

(Must be Two Witnesses)

Winstone Hattenstie  
Winstone Johnson

Randy Baylon  
mark

Subscribed and sworn to before me this 11 day of December, 1901.

N. T. White J. T.

NOTARY PUBLIC.

For Identification as a Mississippi Choctaw.  
*Carthage Mrs*

Date

DEC 9 1901

Name *Winston Hattenstie*Age *42*

Blood

*full*Post Office, *Pertice, Miss.*Father: *Thomas Hattenstie**d*Mother: *Ellen*

"

*d*

Claims through both parents.

Wife

*Susan Hattenstie**30**(3/4)**L*Father *Thomas Anderson*Mother *Siney*

"

*L*

(wife claims through both parents.)

(See Miss. Choct. car 5 filed No 7.

appearance 7/24/99)

Children:

*Oretia Hope Hattenstie**15**Wade*

"

*13**Johnnie*

"

*(F) 12**Maudie*

"

*4**Jessie*

"

*(F) 3 m*

(Claims for self, wife and 5 minor children).

Stenographer

*J. S. Niles*

Unknown.

Name of Applicant's mother's father = Anolata  
" " " " mother Ho-ta-ta

Name of Applicant's mother's father W<sup>m</sup> Stobily (D)  
" " " " mother Eliza (D)  
" " " " father's father and mother not  
known.)

Register to

Winston Hattenstie,

Bertice, Miss.

and return to W. S. S. 4358

*2. pr 12. 11*

Choctaw MCR 4359

Katie Willis

MCR 4359

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the Matter of the Application for the Identification  
of Katie Willis as a Mississippi Choctaw.

M. C. R. 4359.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the Matter of the Application for the Identification  
of Katie Willis as a Mississippi Choctaw.

M. C. R. 4359.

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4359.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 9th, 1901.

In the matter of the application for the identification of  
Katie Willis as a Mississippi Choctaw.

Dennis Daniel, cousin to the applicant, being first duly  
sworn, testified as follows:-

[Oscar Billey, official interpreter)

Examination by the Commission.

- Q What is your name? A Dennis Daniel.  
Q How old are you? A Thirty-six next Christmas.  
Q What is your postoffice address? A Laurel Hill, Mississippi.  
Q Are you a full blood Choctaw? A Yes.  
Q How long have you lived in the State of Mississippi? A Nearly  
all my life.  
Q Did you appear before this Commission here at Carthage last May  
and make application for yourself and family? A Yes sir.  
Q For what purpose do you appear before the Commission now? A I  
appear here for the purpose of making application for the identifi-  
cation of my minor orphan cousin, Katie Willis, who is living with  
me. At the time I appeared before the Commission at Carthage last  
May her mother, Mahala Willis, was living and she didn't want the  
child's name given in by me nor would she make an application in her  
behalf. Since that time and on the 16th day of October last, her  
mother Mahala died, so I desire to make application for this child.  
Q How long has Katie been living in your family? A Katie has been  
living with me all her life. She is ten years old the 16th day of  
last August.  
Q Have you contributed to her support all that time? A Yes sir.  
Q She has been just the same as one of your own children? A Yes.  
Q Did her mother live with you during that time too? A Yes.  
Q What relation was Katie's mother to you? A My cousin. Her  
mother and my mother were sisters.  
Q How much Choctaw blood has Katie? A Full blood.  
Q Is her father living? A No sir.  
Q What was his name? A Sampson Jacoway.  
Q Was he a full blood Choctaw? A Yes.  
Q Did he always live in Mississippi? A Yes.  
Q Did he have a Choctaw name? A I don't know.  
Q About how old would he be if he were living now? A I don't  
know, sir.  
Q Older than you or younger? A Little younger than me.  
Q Do you know his father's name? A His father's name Charlie Jaco-  
way.  
Q Is he living? A Yes.  
Q Is he a full blood Choctaw? A Yes.  
Q Has he a Choctaw name-Charlie? A Yes.  
Q What is it? A Silwees.  
Q Has he always lived in Mississippi? A Yes.  
Q Do you know his father's or mother's name? A No sir, I don't know.  
Q Is Sampson's mother living? A I don't know, sir.  
Q What was her name? A I don't know, sir.  
Q Have all of Sampson's ancestors been full bloods? A Yes.  
Q And always lived in Mississippi? A Yes.

Katie Willis--2

- Q What was the name of this child, Katie's, mother? A Mahala Willis.
- Q Was she a full blood? A Yes.
- Q Always lived in Mississippi? A Yes.
- Q Did she have a Choctaw name? A No sir.
- Q What was her father's name? A Willis, that is all I know.
- Q That is all the name you ever heard? A Yes.
- Q Is he dead? A Yes.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he have a Choctaw name? A I don't know, sir.
- Q Did he always live in Mississippi? A Yes.
- Q What was the name of Mahala's mother? A I don't know, I never heard.
- Q Do you know the names of any of Mahala's grandparents? A No sir.
- Q Were Sampson and Mahala married? A No sir.
- Q Npt even according to the Choctaw custom? A No sir.
- Q This application is solely for Katie Willis? A Yes/
- Q Is her name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did anyone ever make application in her behalf to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.
- Q Did anyone in the year 1896 make application in her behalf to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A Not that I know of.

The name of this applicant also the name of her mother Mahala Willis appears in the case of Jack Amos et al vs the Choctaw Nation. The original application in this case was filed with the Commission on the 10th day of September, 1899. On December 1st 1899 the Commission denied said original application and an appeal was taken to the United States Court for the Central Judicial District of Indian Territory at South McAlester, Indian Territory, which said Court on August 27th, 1900, affirmed the decision of the Commission and from which an appeal was taken to the United States Supreme Court where the decision of the District Court was affirmed.

- Q Is this application made in 1896 the only application ever made for her? A Another application at Carthage about three years ago.

The records of the Commission show that on the 25th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of Mahala and Katie Willis as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 65, also on page 42 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 235 and 236 respectively thereon.

- Q Are these two applications the only applications of any kind

Katie Willis---3

that have ever been made for Katie? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for Katie Willis under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, over 71 years ago, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might receive land here in Mississippi from the Government.

Q Do you understand that 14th article? A No sir.

That article refers to people who lived here 71 years ago. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of the ancestors of Katie Willis ever comply or attempt to comply with its provisions? A I don't know.

Q Were any of them living here in the old Choctaw Nation at the time the treaty was made? A If they were I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Katie Willis---4

Q Were any of them recognized members of the tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they went, I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified tell the Agent of the Government here in Mississippi for the Choctaws that they wanted to stay here and become citizens and take land under the provisions or article 14 of the treaty? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty? A If they have I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty than the 14th article or under the supplement to that treaty? A I don't know.

Q You never heard then of any of the ancestors of Katie Willis ever having gotten any land here in Mississippi from the Government? A No.

Q Did you ever hear of any of them ever having gotten any money? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens and take land under that 14th article. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and which they supposed they would get under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was appointed by the President of the United States and the Commissioners came down here and heard a few of these cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, providing for the continuance of this Commission in office, they were unable to dispose of but a comparatively small part of the cases. So, it became necessary for Congress to make further provision whereby the remainder of these Indians

Katie Willis---5

might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This other Commission was appointed by the President of the United States and the Commissioners came down here and heard a great many of these cases. That was in the early 40's.

Q Did any of the ancestors of Katie Willis appear before either of these Commissions and attempt to establish their rights under the provisions of article 14 of the Treaty of Dancing Rabbit Creek?

A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in place of this land which the Government had sold, land some place else here in Mississippi, in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of the ancestors of Katie Willis ever receive any of this scrip from the Government under this act of Congress? A I don't know.

Q You never heard then of any of the ancestors of Katie Willis ever having received any benefits as Choctaw Indians, did you? A No sir.

Q Or that any of them were ever recognized members of the Choctaw Tribe? A No sir.

Q Did any of them ever live in Indian Territory? A No.

Q Do you know anyone living who would likely know whether any of her ancestors ever complied or attempted to, comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No.

Q Have you any witnesses here today for her? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of this application, they may appear before us at any one of the appointments of the Commission here in Mississippi this Fall, or at Meridian, Mississippi, between January 15th and February 15th next, or at the general office of the Commission at Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

Q Are there any further statements you care to make--do you want to say anything further? A No sir.

Q Has this little girl any brothers or sisters living? A No.

Q Are any of her mother's brothers or sisters living? A Yes, one brother, Yamba Willis.

Q Has she any other brothers living? A No sir.

Q Has she any brothers dead? A No.

Q Has she any sisters living? A No sir.

Q Has she any sisters dead? A Yes.

Q Did any of these sisters leave children? A No sir.

Katie Willis---6

- Q Has the father of Katie any brothers or sisters living? A No sir  
Q You are sure Katie is a full blood Choctaw, are you? A Yes.  
Q Does she speak and understand the Choctaw language? A Yes.  
Q Does she speak and understand English? A No sir.

Dennis Daniel, who makes application in behalf of his cousin Katie Willis, is to all appearances a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially through a sworn Choctaw interpreter and partially in English.

Ira S. Niles, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 9th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 12th day of December, 1901 at Carthage, Mississippi.

*L. B. Mosley*

Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(over)

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In the Matter of the Application for the Identification  
of Katie Willis as a Mississippi Choctaw.

M. C. R. 4359.

- - D E C I S I O N . - -

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on December 9, 1901, by Dennis Daniel, for his minor cousin, Katie Willis, under the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior".

From the evidence submitted in support of said application it appears that the applicant is a full-blood Mississippi Choctaw Indian.

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi

Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Katie Willis should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903



COPY.

M.C.R. 4359

Muskogee, Indian Territory, February 21, 1903.

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Katie Willis as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Katie Willis as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

WANSFIELD

*Tame Bixby.*

Acting Chairman

Registered.  
Enc. M.C.R. 4359.

Q. Y.

M.C.R. 4359

Muskogee, Indian Territory, March 11, 1903.

Katie Willis,

Laurel Hill, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tanne Bixby.*

Chairman.

Registered.

Enclosure 4359.

For Identification as a Mississippi Choctaw.  
 Carthage, Miss.

Date DEC 9 1901

Name *Katie Willis*  
 represented by *Dennis Daniel*, her cousin.  
 Age *10* Blood *full*

Post Office, *Laurel Hill, Miss.*

Father: *Sampson Jacoway* d.

Mother: *Mahala Willis* d.

Claims through *both parents*.

(Father of *Sampson Jacoway* = *Charlie Jacoway* (d.)  
 (Mother " " *not known*)

Children:

(*See Miss "Katie" card*  
*filed No. 6554, appearance*  
*125/99.*)

(Father of *Mahala* = *Willis* d.  
 Mother -- " *don't know* d.)

Stenographer

*J. J. Miller*

RECEIVED  
Katie Willis.

R. 4359

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 4360

Thomas Farmer

See MCR #366

MCR 4360

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Thomas Farmer, et al.,  
for identification as Mississippi Choctaws.

-oOo-

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Herein is the record in the matter of the application of  
Thomas Farmer, et al., for identification as Mississippi  
Choctaws, M.C.R. 4360.

-oOo-

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Thomas Farmer, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4360.

--: I N D E X :--

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-oOo-

mb  
4360

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 9th, 1901.

In the matter of the application of Thomas Farmer for the identification of himself and his wife Maliska as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A Thirty eight.  
Q What is your postoffice address? A High Hill, Leake County, Mississippi.  
Q Are you a full blood Choctaw? A Yes.  
Q How long have you lived in Neshoba County? A Been living there ever since I was twenty one .  
Q Where did you live before that? A In Leake County.  
Q Are you acquainted in Scott County, Mississippi? A Yes sir.  
Q What is your occupation at this time? A I am official Choctaw interpreter for the Commission to the Five Civilized Tribes on duty in Mississippi.  
Q Are you acquainted with a Choctaw in Scott County by the name of Thomas Farmer? A Yes sir.  
Q How long have you known him? A Seven or eight years.  
Q Is he a full blood Choctaw? A Yes sir, I think so.  
Q About how old a man is he? A I suppose about thirty years old.  
Q Do you know what his postoffice address is? A Hays, Mississippi.  
Q Do you know how long he has lived in that County? A I think he was born and raised in that county.  
Q Do you know what his father's name was? A I have seen his name a time or two, his name was John Farmer.  
Q Was he a full blood Choctaw? A Yes, I thought he was from his looks.  
Q Is he living? A No sir.  
Q How old a man would he be if he were living now? A About seventy five or eighty years old.  
Q Did he have a Choctaw name? A Not that I heard.  
Q Do you know the name of his father or mother? A No sir.  
Q Is the mother of Thomas Farmer living? A No sir.  
Q What was her name? A I don't know, sir.  
Q You never saw her? A No sir.  
Q Do you know whether she was a full blood Choctaw or not? A No sir, I do not, but I suppose she was, because Thomas and his brother look like full blood Choctaws.  
Q Is it generally understood among the Choctaws living near him that he is a full blood? A Yes sir.  
Q Have all of his people always lived here in Mississippi so far as you know? A Yes sir.  
Q Is he married? A Yes sir.  
Q Has he ever been married more than once? A No sir, I think not.  
Q Is his wife living? A Yes sir.  
Q What is her name? A Malissa.  
Q Has she a Choctaw name? A Yes.  
Q What is her Choctaw name? A Yah-ho-nah.



- Q About how old is Malissa? A I suppose about twenty-nine years old.
- Q Is she a full blood? A Yes sir.
- Q Has she always lived in Mississippi? A Yes sir, I think so.
- Q How long have you known her? A Know her seven or eight years.
- Q Do you know the name of her father? A No sir.
- Q Did you ever see him? A No sir.
- Q How long has he been dead? A Speck about fifteen years.
- Q Is her mother living? A No sir.
- Q What was her name? A I don't know, sir.
- Q You never saw her? A No sir.
- Q You are quite certain that Malissa is a full blood? A Yes sir.
- Q Have Malissa and Thomas any children? A No sir, aint got no children.
- Q Did they ever have any children? A No sir.
- Q Were either of them ever married more than once? A No sir, I don't think so.
- Q Where do they live now? A In Scott County, two miles from Hays.
- Q Do you know whether the name of either of them is to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know, sir.
- Q Do you know whether they have ever been admitted to citizenship in the Choctaw Nation? A I don't know, sir.
- Q Do you know whether any application has ever been made for them before today? A No sir, I don't know.

The records of the Commission show that on the 6th day of February, 1899, application was made to the Commission at Decatur, Mississippi, for the identification of Thomas Farmer and his wife Malissa as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 366, also upon page 84 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights to the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 1300 and 1301 respectively thereon.

- Q You are familiar with the 14th article of the treaty of Dancing Rabbit Creek and understand it thoroughly, do you not? A Yes sir.
- Q Do you know whether any of the ancestors of either Thomas or Malissa Farmer ever claimed or received any land here in Mississippi under that 14th article? A No sir, I don't know.
- Q Do you know whether any of the ancestors of either of them ever complied or attempted to comply with the provisions of this 14th article or ever received any benefits under it? A No sir.
- Q Do you know whether any of the ancestors of either of them appeared before the Commission appointed under the Act of Congress approved March 3rd, 1837, or the Commission appointed under the act of Congress approved August 23, 1842 and attempted to establish their rights under article 14 of the treaty? A No sir, I don't know.
- Q Do you know whether any of the ancestors of either of them ever received any scrip under the act of Congress approved August 23, 1842? A I don't know, sir.
- Q Do you know whether any of the ancestors of either of them ever received any benefits whatever as Choctaws? A No sir, I do not.

Thomas Farmer et al---3

Q Or whether they were ever recognized members of the Tribe? A I don't know, sir.

Q Or whether any of them ever lived in Indian Territory? A If they ever did, I don't know it.

Q You were with the Commission during its appointment at Hays, Mississippi, from the 12th of November until the 29th of November this year, were you not? A Yes sir.

Q Did you see Thomas Farmer when you were there? A Yes sir.

Q Did you speak to him about appearing before the Commission?

A Yes sir.

Q Where were you at that time? A I went one day to old man Henry, father-in-law of mine, and I saw Thomas Farmer and notified him and told him to come before the Commission and he said he was coming in a day or two, and he did come but wouldn't give in his testimony.

Q You saw him later near the office of the Commission at Hays?

A Yes sir, he came there a time or two.

Q And refused in each instance to give in his name? A Yes sir.

Q Do you know the names of his brothers and sisters and his wife's brothers and sisters? A No sir, I don't know all of them; I know his brother's name-Wilson Farmer, but I don't know no others.

Statement by the Commission:

Thomas Farmer, for whom this application is made, is a full blood Choctaw living about two miles from Hays, Mississippi, where the Commission was in session from November 12th to November 29th, 1901, inclusive. He was at the office of the Commission on two or three different occasions and on one day was asked by an employee of the Commission, other than the interpreter, to appear before the Commission but could not be induced to do so. Later he sent word by official interpreter John Wesley that he was going to move to Eley, in Scott County, where three other Choctaws were living and that he might possibly appear before the Commission later. He did not, however, appear before the Commission at the appointment at Hays. On Saturday, November 7th, Official Interpreter Oscar Billey was sent by the Commission to Eley in Scott County, to notify Thomas Farmer, Joe Denson, Tommy White and John Eben, all of whom are full blood Choctaws living near Eley, of the appointment of the Commission at Carthage and to induce them to appear before the Commission promptly at this place. Upon arriving at Eley Interpreter Billey found that Thomas Farmer had not moved to Eley at all and all of his efforts to induce the other Choctaws to appear before the Commission at Carthage were fruitless. Thomas Farmer has the appearance of being a full blood Indian as has also his wife, both of whom were seen by different employees of the Commission engaged in the work in Mississippi.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 9th, 1901, and that the above and fore-

Thomas Farmer et al---A

going is a full, true and correct translation of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this 10th day of December, 1901, at Carthage, Mississippi.

*L. B. Massey*

Clerk U.S. Circuit Court, Southern District of Mississippi.

By *Garrett* Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Dixon, Mississippi, March 25, 1903.

-----

In the matter of the application for the identification of Tom Farmer, et al, as Mississippi Choctaws.

(The name of this applicant appears on Mississippi Choctaw card Field No. 4360 as Thomas Farmer)

Isaac Lewis, being first duly sworn through official interpreter Ike Moses testified as follows:

Examination by the Commission.

- Q What is your name? A Isaac Lewis.  
Q What is your age? A About eighty.  
Q What is your postoffice address? A Dixon, Mississippi.  
Q Do you want to give some information in regard to a Choctaw Indian named Tom Farmer? A Yes.  
Q Has Tom Farmer ever made an application to the Commission to the Five Civilized Tribes to be identified as a Mississippi Choctaw?  
A No sir.  
Q How much Choctaw blood has he? A Full blood.  
Q What is his age? A About thirty.  
Q Have you ever talked with him in regard to coming before the Commission? A No sir.  
Q Have you ever heard him make a statement that he would not come before the Commission? A No sir, never heard.  
Q What is his postoffice address? A Dixon.  
Q What is his father's name? A Ah-che-le-tah.  
Q Is he living? A I think he's living about in the Yazoo Bottom.  
Q Full blood? A Yes.  
Q How old is he? A About fifty or forty I expect.  
Q Has he ever made an application to the Commission that you know of? A No, he done move off long time ago.  
Q How long ago? A Over ten years ago.  
Q You don't know, then, whether he's living or not, do you?  
A I don't know.  
Q What is the name of Tom Farmer's mother? A Betsey--she married twice.  
Q Did she have any other name? A That's all I know.  
Q Is she living? A Yes.  
Q How old is she? A Nearly seventy--she's old.  
Q Full blood? A Yes.  
Q Has she ever made an application to the Commission to be identified as a Mississippi Choctaw? A No sir.  
Q Has Tom Farmer a Choctaw Indian name? A No sir.  
Q Does he speak the Choctaw language? A Yes.  
Q Has he all the appearance of being a full blood Choctaw?  
A Yes.  
Q Have you ever heard it disputed that he was a full blood? A No sir. I married his first cousin.  
Q Has Tom Farmer lived in Mississippi all his life? A Yes sir.

Tom Farmer, et al.-2

- Q How long have you known him? A About eighteen years.
- Q Is Tom Farmer married? A Yes sir.
- Q What is his wife's name? A Sallie Farmer.
- Q Is she living? A Yes.
- Q How old is she? A I think she's older than Tom--about 32 I think.
- Q How much Choctaw blood has she? A Full blood.
- Q Has she ever made an application to the Commission to be identified as a Mississippi Choctaw? A No sir.
- Q When did she marry Tom? A About ten years ago.
- Q Lived with him ever since? A Yes sir.
- Q Live with him now? A Yes sir.
- Q Have they any children? A No sir.
- Q Never had any children? A No sir.
- Q What is the name of Sallie's father? A Ta-chubbee.
- Q Is he living? A Been dead long time.
- Q How long has he been dead? A About eight years.
- Q How old was he when he died? A Don't know.
- Q How much Choctaw blood did he have? A Full blood.
- Q What is the name of Sallie's mother? A Bicey Jim.
- Q Is she living? A Yes sir.
- Q How old is she? A About sixty.
- Q Has she ever made application to the Commission? A Yes sir.
- Q Has she ever received a notice from the Commission that she is identified? A Yes sir.
- Q Do you know the names of any of Tom Farmer's grandparents? A No sir.
- Q On either side? A His father's father was named Ta-fa-mah.
- Q He is dead, is he, his grandfather? A Yes sir.
- Q How much Choctaw blood had he? A Full blood.
- Q Did you know the name of Ta-fa-mah's wife, that is the grandmother of Tom Farmer on his father's side? A A I don't know.
- Q Do you know the name of Betsey's father or mother? A Beckey is the mother of Betsey--don't know the name of Betsey's father.
- Q Is Beckey living? A Dead.
- Q Was she a full blood Choctaw? A Yes, full blood.
- Q Do you know the name of Ta-chubbee's father or mother? A Sam Tan ali. (Tanoli)
- Q Is he living? A No, dead.
- Q How much Choctaw blood did he have? A Full blood.
- Q What was Sam Tanoli's wife's name? A Don't know.
- Q Do you know whether she was a full blood? A Don't know.
- Q Did you ever personally know her? A Yes, I knew her but don't know name.
- Q Do you know the name of Bicey Jim's father? A I am the father of Bicey.
- Q What is the name of Bicey Jim's mother? A Butchis.
- Q Butchis is your wife? A Yes.
- Q Is she a full blood Choctaw? A Yes sir.
- Q Is she living? A Dead long time.
- Q Have you married since Butchis died? A No sir.
- Q Is Butchis the only wife you ever had? A Yes.
- Q Sallie Farmer is your granddaughter? A Yes.
- Q Tom and Sallie have no children? A No.
- Q Never had any children? A No.

Tom Farmer, et al.-3

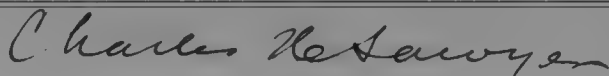
Q Is that all you know in regard to the family of Tom Farmer and his wife Sallie? A Yes, that's all I know.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Dixon, Mississippi, March 25, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 5<sup>th</sup> day of April, 1903.



Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Thomas Farmer, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4360.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 9, 1901, by Oscar Billey for Thomas Farmer and his wife, Malissa Farmer (Indian name Yah-ho-nah), under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that both the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Thomas Farmer and Malissa Farmer (Yah-ho-nah) should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

Muskogee, Indian Territory,

JUL 16 1904



Muskogee, Indian Territory, July 23, 1903.

Thomas Farmer,  
Hays, Mississippi.

Dear Sir:

On February 2, 1903, the Commission forwarded you a blank affidavit in interrogatory form, with the request that you fill out the same and return to this office. Up to the present time the Commission has not received said affidavit, and you are asked to give this matter your prompt attention.

Respectfully,

Commissioner in Charge.

MERIDIAN, MISSISSIPPI, September 28th, 1903

Thomas Farmer,

Dixon, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 9th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a declaration in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

Special Agent

Meridian, Mississippi, November 24, 1903.

Thomas Farmer,

Dixon, Mississippi.

Dear Sir—

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 9th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

Muskegee, Indian Territory, March 11, 1904.

Thomas Farmer,

Hays, Mississippi.

Dear Sir:

It appears from the records of the Commission that application for the identification of yourself and your wife, Malissa Farmer, was made to this Commission at Carthage, Mississippi, December 9, 1901, by Oscar Billey. At the time this application was made it was impossible to secure certain information relative to your parents and your wife's parents, which it is necessary that the Commission should be furnished before your case can be finally determined.

For the purpose of obtaining this information, there is enclosed herewith a blank affidavit which you will please fill out and swear to before some notary public with as little delay as possible, and forward the same to the Commission in the enclosed envelope which requires no postage. This matter should be attended to without delay.

Yours truly,

Enc. JD -1  
& Env.

Commissioner in Charge.

M C R 4360.

Muskegee, Indian Territory, February 8, 1903.

Thomas Farmer,

Hays, Mississippi.

Dear Sir-

It appears from the records of the Commission that application for the identification of yourself and your wife, Malissa Farmer, was made to this Commission at Carthage, Mississippi, December 9, 1901, by Oscar Billey. At the time this application was made it was impossible to secure certain information relative to your parents and your wife's parents, which it is necessary that the Commission should be furnished before your case can be finally determined.

For the purpose of obtaining this information, there is enclosed herewith a blank affidavit which you will please fill out and swear to before some notary public with as little delay as possible, and forward the same to the Commission in the enclosed envelope which requires no postage. This matter should be attended to without delay.

Yours truly,

Acting Chairman.

Enc. M C R--1  
Addressed Envelope.

COPY

M.C.R. 4360

Muskogee, Indian Territory, July 16, 1904.

Oscar Billey,

Roff, Indian Territory,

Dear Sir:-

You are hereby advised that the Commission to the Five Civilized Tribes, on July 16, 1904, rendered its decision identifying Thomas Farmer and his wife, Malissa Farmer (Indian name Yah-ho-nah), as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order for persons so identified to avail themselves of the benefits of such identification, they must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation, Indian Territory,

Respectfully,

(SIGNED)

*Taras Bixby.*

Chairman.

Muskogee, Indian Territory, July 16, 1904.

Mansfield, McMurray & Gornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Thomas Farmer and his wife, Malissa Farmer (Indian name Yah-he-nah), as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of said time no protest has been filed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*James H. Pritchard*

Chairman.

Registered.  
Incl. M.C.R. 4360.

See M.C.R. 6507 for registry receipt for this letter.

COPY.

Muskogee, Indian Territory, July 16, 1904.

Thomas Farmer,

Hays, Mississippi,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you and your wife, Malissa Farmer (Indian name Yah-he-nah as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (38 Stat., 641).

Under the provisions of the law above cited, in order for you to avail yourselves of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Jams Bixby.*

Chairman.

Registered.  
Incl. M.C.R. 4360.



DEPARTMENT OF THE INTERIOR  
MEMO TO THE FIVE CIVILIZED

**FILED**

AUG 26 1904

A large, dark, handwritten signature or set of initials, possibly "T. H. C.", is written over the date stamp.

1241

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

MUSKOGEE

IND. TER.



Reg-14

Thomas Carter,

Wet, Mississippi.

Muskogee

Unclaimed

2nd. Tur-

Return to writer

## For Identification as a Mississippi Choctaw.

Dec 6 1901

Date

Name

Thomas Farmer

Age

30

Blood

full

Post Office

Itasca, Miss

Father:

John Farmer d

Mother:

Lont Know d

Claims through

both parents.

Wife Melissa Farmer (full) 29

Yak-ho-nok

Father Lont Know d

Mother " " d

Children:

Stenographer

J. S. Miles

No. 4360

# FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date March 23<sup>rd</sup> 1903

Name Simon Farmer

Age 30 Blood full

Post Office, N. C. on road

Father: Ah-che-i-tah L. 50 f.

Mother: Betsey L. 70 f.

Claims through J. M.

wife Sallie Farmer L. 32 f.

J. Fa-chubbee. d. f.

M. Bicey Jim L. 60 f.

Children:

Information:

Trace Lewis through

the Moses and

in Arketer.

Stenographer: J. Miles

Choctaw MCR 4361

Joe Denson

See MC 499

MCR 4361

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Joe Denson, et al.,  
for identification as Mississippi Choctaws.

--O--

Herein is the record in the matter of the application  
of Joe Denson, et al., for identification as Mississipp-  
pi Choctaws, M.C.R. 4361.

---O---

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Joe Denson, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4361.

--: I N D E X :--

	(Page)
Original application of Joe Denson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying above applicants as Mississippi Choctaw Indians-----	5

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 9th, 1901.

mc  
4361  
On the matter of the application of Joe Denson for the identification of himself, his wife Mary, his son John and his nephew Washington Hall, as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A Thirty-eight years old.  
Q What is your postoffice address? A High Hill, Mississippi.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q How long have you lived in Neshoba County? A Ever since I was twenty-one years old.  
Q Where did you live before that? A Leake County.  
Q What is your occupation at this time? A I am official interpreter for the Commission to the Five Civilized Tribes.  
Q Are you acquainted with a man by the name of Joe Denson? A Yes sir.  
Q Where does he live? A Near Eley.  
Q What is his postoffice address? A Eley, Scott County, Mississippi.  
Q How long have you known Joe Denson? A About ten years I reckon.  
Q Has he always lived here in Mississippi? A Yes sir.  
Q How much Choctaw blood has he? A Full blood.  
Q Do you know about how old he is? A About thirty five years old.  
Q Is his father living? A No sir.  
Q Do you know what his name was? A No sir.  
Q Were you acquainted with him? A No sir.  
Q Do you know his father's father's or mother's names? A No sir, I don't know none of his ancestors.  
Q Is Joe Denson's mother living? A No sir.  
Q Do you know what her name was? A No sir.  
Q Did you ever see her? A No sir.  
Q You don't know the name of any one of Joe Denson's ancestors? A No sir.  
Q But you are quite sure that he is a full blood Choctaw? A Yes sir, I think so; he looks like a full blood Choctaw Indian.  
Q Does he speak and understand the Choctaw language? A Yes sir and very little English.  
Q Has he a Choctaw name? A No sir.  
Q Is he married? A Yes sir.  
Q Is his wife living? A Yes sir.  
Q What is her name? A Mary.  
Q How much Choctaw blood has she? A I think she is full blood Choctaw.  
Q How long have you known her? A About six years, ever since he was married to her.  
Q About how old do you think she is? A About twenty-seven.  
Q Are they living together at this time? A Yes sir.  
Q Is her father living? A No sir.  
Q Do you know what his name was? A No sir.  
Q Were you acquainted with him? A No sir.  
Q Is her mother living? A No sir.



Joe Denson et al---2

Q Do you know what her name was? A No sir, I don't know.

Q Do you know the name of any one of Mary's ancestors? A No sir, only I know her brother.

Q What is his name? A Willie Hall.

Q Where does he live? A He did live over in Scott year beforelast but he left little over a year ago and didn't come back. I don't know where he is. I hears he was close to Natchez.

Q Have Joe and Mary any children? A Yes sir, one.

Q What is his name? A John.

Q About how old is that child? A About eight months old.

Q Is it living at this time? A Yes sir.

Q Did they ever have any other children? A No sir.

Q Were they married under a license or according to Choctaw custom? A Choctaw custom.

Q How long have they been married? A About six years.

Q Have they any other children living with them besides John?

A Yes sir, his sister's boy is living with him, about twelve years old.

Q What is that boy's name? A His name is Washington Hall.

Q About how old is he? A Twelve years old.

Q Is this boy living with Joe Denson at this time? A Yes sir.

Q How long has he been living with Joe? A About five years.

Q Who did he live with before that? A With his mother.

Q What is his mother's name? A Caroline Eben, John Eben's wife.

Q Is she living, the mother of this boy? A Yes sir.

Q What is the name of the boy's father? A His name is Hall.

Q Do you know his full name? A No sir.

Q Is he living? A No sir.

Q Was he a full blood Choctaw? A Yes sir, I saw him before he died.

Q Do you know his mother's or father's name? A No sir.

Q Is Caroline Eben a full blood Choctaw? A Yes sir.

Q Has she ever been before the Commission? A Not that I know of.

Q What is her present husband's name? A John Eben.

Q Is he a full blood Choctaw? A Yes sir.

Q Has he ever been before the Commission? A No sir, I don't think he has.

Q Where does he live? A In Scott County.

Q How does it happen that this boy, Washington Hall, does not live with his mother? A I don't know. I think before she was married again she wasn't able to support the child and gave it to her brother.

Q He supports the child and looks after it the same as if it was a member of his own family? A Yes sir.

Q Do you know the name of Caroline's father or mother? A No sir, I do not.

Q Has she always lived in Mississippi? A Yes sir, as far as I know.

Q Did the father of this child, Washington, always live here? A Yes sir, I think so.

Q These are all the members of the family of Joe Denson, are they? A Yes sir.

Q Do you know whether the names of Joe, his wife or Washington Hall are to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.

Q Do you know whether any of them have ever been admitted to citizenship out there? A No sir.

Q Do you know whether any of them appeared before the Commission in the year 1899? A No sir.

Joe Denson et al---3

The records of the Commission show that on the 9th day of February, 1899, application was made to the Commission at Decatur, Mississippi, for the Identification of Joe Denson and his wife Mary as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 499, also upon page 104 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 1813 and 1814 respectively thereon.

Q You are familiar with the 14th article of the treaty of Dancing Rabbit Creek and understand it thoroughly, do you? A Yes sir.

Q Do you know whether any of the ancestors of Joe Denson or his wife or of Washington Hall ever complied or attempted to comply with its provisions or ever received any benefits thereunder?

A No sir, I don't know.

Q Do you know any person living who would likely be informed on this point? A No sir, I do not.

Q Do you know whether any of the ancestors of any of these people appeared before the Commissions appointed under the acts of Congress approved March 3rd, 1837, and the act of Congress approved August 23, 1842, and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether any of them ever received any scrip from the Government of the United States under this act of Congress approved August 23, 1842? A No sir, I do not.

Joe Denson, for whom application is made by irregular interpreter Oscar Billey, is a full blood living near Eley in Scott County, Mississippi. During the appointment of the Commission at Hays, Mississippi, word was sent by the Commission to Denson to appear before the Commission but he failed to do so. On Saturday, December 7th, irregular interpreter Billey was sent from Carthage, Mississippi, to see Denson, for the purpose of notifying him of the presence of the Commission at Carthage and inducing him if possible to appear before the Commission at Carthage. Although Denson and Oscar Billey are warm friends of long standing, every effort on the part of Billey to induce Denson to appear before the Commission failed, he refusing absolutely to have anything to do with the Commission.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 9th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

  
Subscribed and sworn to before me <sup>3</sup> this the 10th day of December, 1901,

Joe Benson et al---4

at Carthage, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

CONF

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Joe Denson, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4361.

---: D E C I S I O N :---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on December 9, 1901, by Oscar Billey for Joe Denson, his wife, Mary  
Denson and his minor child, John Denson, and his minor nephew,  
Washington Hall, under the following provision of the act of Con-  
gress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said applica-  
tion, it appears that all the applicants are full-blood Mississippi  
Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to ~~June twenty-eighth, eighteen hundred and ninety-eight,~~ shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Joe Denson, Mary Denson, John Denson and Washington Hall should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

Muskogee, Indian Territory,

JUL 16 1904

6  
MERIDIAN, MISSISSIPPI, September 28th 1903

Joe Denson,

1 Eley, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 9th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write to me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

File No 50  
M C R 4361

Special Agent

Meridian, Mississippi, November 24, 1903.

Joe Denson,

Eley, Mississippi.

Dear Sir-

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 9th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write to me at once stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 50.

Special Agent.

Muskogee, Indian Territory, July 16, 1904.

Joe Denson,

Eley, Mississippi,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you, your wife, Mary Denson, your minor child, John Denson and your nephew, Washington Hall, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order for you to avail yourselves of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

*Tame Bixby*

Chairman.

Registered,  
Incl. M.C.R. 4361



Muskogee, Indian Territory, July 16, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Joe Denson, his wife, Mary Denson, his minor child, John Denson, and his nephew, Washington Hall, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of said time no protest has been filed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

Tame Bixby.

Chairman.

Registered.  
Incl. M.C.R. 4361.

See M.C.R. 4361 for registry receipt for this letter.

Muskogee, Indian Territory, July 16, 1904.

Oscar Billey,

Reff, Indian Territory,

Dear Sir:-

You are hereby advised that the Commission to the Five Civilized Tribes, on July 16, 1904, rendered its decision, identifying Joe Denson, his wife, Mary Denson, his minor child, John Denson and his nephew, Washington Hall, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order for the persons so identified to avail themselves of the benefits of such identification, they must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*James Dixby.*

Chairman.

# 1574

No. 4361

## For Identification as a Mississippi Choctaw.

Date DEC 9 1901 .

Name Joe Denson

Age 35

Blood

full

Post Office,

Eley, Miss.

Father:

don't know

d

Mother:

"

"

d

Claims through

both parents.

wife

Mary Denson

(full.)

27

Father

don't know

Mother

"

"

d

Tell Miss Choctaw card field No. 494. Appearance 2/9/99.)

Children:

John Denson

8 mo.

Washington Hall (full) 12

Father

Hall

d

Mother

Caroline Eben

d

(Application by irregular interpreter

Oscar King for Joe Denson, Mary Denson

John Denson and Washington Hall.)

Stenographer

J. S. Kiles

Choctaw, MCR 4362

John Eben

MCR 4362

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
John Eben, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for  
the identification of John Eben, et al., as Mississippi  
Choctaws, M.C.R. 4362.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
John Eben, et al., as Mississippi Choctaws, M.C.R. 4362.

--: I N D E X :--

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Original application for the identification of John Eben, et al., as Mississippi Choctaws-----	1
Decision of the Commission identifying said applicants as Mississippi Choctaws-----	5

-oOo-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Conehatta, Mississippi, November 2nd, 1901.

In the matter of the application of John Anderson for the identification of himself, his wife, three minor children and one step child as Mississippi Choctaws.

Said John Anderson, being first duly sworn, testified as follows:- (Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name John Anderson.  
Q How much Choctaw blood do you claim to have? A Full blood.  
Q How old are you? A Fifty three.  
Q What is your postoffice address? A Steel, Mississippi.  
Q How long have you lived in Scott County, Mississippi? A I raised in Newton County and has been moved about nineteen years now.  
Q You were born and lived in Newton County until 19 years ago when you moved to Scott? A Yes sir.  
Q Were you ever in Indian Territory? A No.  
Q Is your father living? A No, dead long time.  
Q What was his name? A John Gibson.  
Q Have you a Choctaw name? A Yes.  
Q What is your Choctaw name? A Ah-ha-lo-man-tubbee.  
Q Did your father have a Choctaw name? A Yes.  
Q What was it? A I don't know, just folks who know him say Tah-nub-bee.  
Q How old would your father be if he were living now? A I don't know.  
Q When did he die? A I say just about six years ago.  
Q Was he an old man when he died? A I don't know, about thirty-five I reckon. I don't know; I was little at that time.  
Q Did he always live here in Mississippi? A Yes, raised in Newton County.  
Q Was he ever in Indian Territory? A No.  
Q Is your mother living? A No, dead long time. I was one week old when she died.  
Q What was your mother's name? A I don't know.  
Q Do you know how old she was when she died? A I don't know.  
Q Was she ever in Indian Territory? A No.  
Q Always lived here in Newton County? A Yes.  
Q Do you know any of the names of your grandparents? A No.  
Q Your mother was a full blood, was she? A Yes.  
Q Your father was a full blood, was he? A Yes.  
Q Are you married? A Yes.  
Q What is your wife's name? A Lucy.  
Q Do you want to make application for her too? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q How old is she? A Just about forty years old.  
Q Are you living with her now? A Yes.  
Q How long has she lived in Scott County, Mississippi?  
A Been here about ten years.  
Q Where did she live before that? A Neshoba.  
Q She was born and raised in Neshoba County? A Yes.  
Q Was she ever in Indian Territory? A No.  
Q Has she a Choctaw name? A No.  
Q Is her father living? A No, he is dead long time.

- Q What was her father's name? A E-lah-po-nubbee.
- Q Did he have an English name or do you know? A I don't know.
- Q You know nothing about your wife's father? A No.
- Q Never saw him, did you? A No, dead long time.
- Q Is your wife's mother living? A No, dead long time.
- Q What was her name? A I don't know,; she don't know; she was little when her mother died.
- Q Were her father and mother both full blood Choctaws? A Yes.
- Q Did either of them ever live in Indian Territory? A No.
- Q Do you know the name of anyone of your wife's grandparents? A No. I ask my wife this mornning before I came here and she doesn't know either.
- Q Have you any children under 21 years of age and unmarried for whom you want to make application? A Yes, three children under 21 and unmarried and my wife has one child by a former husband.
- Q What is the name of your wife's child for whom you want to make application? A Artie.
- Q What is his other name? A Anderson.
- Q What was that child's father's name? A John Hickman.
- Q Then this child's name would really be Artie Hickman, wouldn't it? A John Hickman join in with Winton and I don't want nothing to do with him but want the child to be named Artie Anderson.
- Q How old is Artie? A Nine years old.
- Q Is he living with you now? A Yes.
- Q He is the son of your wife by a former husband, is he? A Yes.
- Q Is John Hickman living? A Yes.
- Q Is he a full blood Choctaw? A I don't know.
- Q Did you ever see him? A Yes, I saw him many time.
- Q Does he look like a full blood Choctaw? A Yes, I reckon he is full blood Choctaw but I would rather have nothing to do with it.
- Q About how old a man is John Hickman? A I don't know.
- Q Old as you are? A No, younger than me.
- Q Has he always lived here in Mississippi? A He was raised in Louisiana.
- Q How long has he lived here? A About twenty years I reckon. He raised down in Newton.
- Q Do you know whether he has ever been in Indian Territory? A I don't know. Close by-I speck so.
- Q In Louisiana you mean? A Yes.
- Q Do you know the names of John Hickman's father and mother? A No.
- Q You know nothing about his family? A No.
- Q Were John Hickman and your wife divorced lawfully by the Court? A Yes.
- Q Or did they just quit one another? A Just quit.
- Q How long have they been separated? A About ten years I reckon.
- Q How long have you been married to your wife? A It been about seven years.
- Q They had not lived together for five years before you married her? A No.
- Q You were married before you married this wife, weren't you? A Yes.
- Q Is your other wife living? A No, dead.
- Q She died before you married your second wife? A Yes.
- Q Is it customary for the Choctaws here when they separate to get a divorce or do they simply quit living together? A Wasn't no divorce; just quit.
- Q What are the names of your three children? A Oldest-John Harrison Anderson.



- Q How old is he? A Six years old.
- Q What is the name of the mother of this child? A Lucy Anderson.
- Q What is the name of the next child? A John Amos Anderson.
- Q How old is he? A Three years.
- Q You have two children named John? A Yes.
- Q Next one? A Little Girl.
- Q What is her name? A ~~Lucy~~ Lola.
- Q How old is Lola? A About eight months.
- Q Are these three all the children of yourself and Lucy Anderson? A Yes.
- Q This application then is for yourself, your wife, one minor step-child and three minor children? A Yes.
- Q That is all your family is it? A Yes.
- Q Is your name, your wife's name, or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Did you or anyone for you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself, your wife or any of these minor children, to be admitted or enrolled as members of that Tribe? A No, never did.
- Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself, your wife or any one of these minor children under the Act of Congress of June 10, 1896? A No.
- Q Have you or has your wife or any one of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No.
- Q Did you ever make any application of an description prior to this time for yourself, your wife or any of these children to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind you ever made, is it? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q You think you thoroughly understand it, do you? A Yes.
- Q Did any of your ancestors or any of your wife's ancestors or any of the ancestors of John Hickman ever comply or attempt to comply with the provisions of the 14th article or ever receive any benefits thereunder? A Don't know.
- Q Were any of your ancestors or any of your wife's ancestors or any of the ancestors of John Hickman living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when that treaty was made? A I don't know. I was little and I don't know anything about it.
- Q Did any of your ancestors or any of your wife's ancestors or any of the ancestors of John Hickman own an improvement here at that time? A No. I don't know anything about it. Nobody learned me anything about it and never heard about it.
- Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.
- Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw

Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Indian Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the United States Government under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No.

Q Did any of them ever claim or receive any land here in Mississippi from the United States Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement to that treaty? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the States. The records of the Government show that that Agent failed to register and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens, and, on this account, the Government at its public land sales in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the provisions of the 14th article of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act, which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress which was approved the 22nd day of February, 1838, they were unable to dispose of but a comparatively few of these Choctaw cases. It, therefore, became necessary for Congress to make provision whereby the remainder of these Choctaws might be given hearings, so, another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission whose duty it should be to come down here and finish up the hearing of these cases. This other Commission was appointed by the President and the Commissioners came down here in the early forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors or any of the ancestors of John Hickman appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Don't know.

The act of Congress approved August 23, 1842, provided

that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, Louisiana, Alabama or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors or any of the ancestors of John Hickman ever receive from the United States Government any such scrip under this act of Congress? A I don't know.

Q Do you know anyone living who would likely be informed as to whether any of your ancestors, any of your wife's ancestors or any of the ancestors of John Hickman ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know.

Q Do you know of the existence of any written evidence which would establish or tend to establish that fact? A No.

Q Have you any witnesses here today to testify in your behalf? A No.

Q Have you any written evidence of any kind to offer? A No.

Q You never heard then of any of your people, or your wife's people or any of the people of John and Hickman getting any land here in Mississippi from the Government at an early day? A No.

Q You don't know whether any of them were ever recognized members of the Choctaw Tribe or not? A No.

You will be allowed a reasonable time in which to submit proper written evidence in case you should see fit to do so and if you should discover any witnesses whose testimony you desire to have taken before the Commission in support of this application, they may appear before the Commission at any one of its appointments here in Mississippi this Fall and their testimony will be taken.

By the applicant:

I don't know anyone who would know anything about my ancestors. I was nothing but a child when they all died and therefore know nothing of my ancestors myself.

By the Commission:

Q Have you any children living over 21 years of age? A Yes.

Q How many? A Three.

Q What are their names? A John Eben Anderson.

Q Has he ever been before the Commission? A No.

Q Is he married? A Yes.

Q What is his wife's name? A Caroline.

Q What is your next son's name? A No more sons.

Q What are your daughters' names, the oldest first? A Millie.

Q Is she married? A Yes.

Q What is her husband's name? A Tommy White.

Q Have either of them been before the Commission? A No.

Q Never have? A No.

Q Where do they live? A In Scott.

Q Does your son live in Scott County? A Yes.

Q What is the name of your next daughter? A Million.

John Anderson et al---6

- Q Is she married? A Yes.
- Q What is her husband's name? A Henry Jackson, he lives up here about one mile.
- Q Have they any children? A No.
- Q Did she ever go by the name of Sealy-your daughter? A Yes, I reckon she does.
- Q Did you ever have any other children? A No.
- Q Has your wife any other children except Artie by any other man? A No.
- Q Have you any brothers living? A No.
- Q Did you ever have any brothers? A No, two sisters.
- Q Are they living now? A Yes, way down here in Louisiana.
- Q What are their names? A Mollie is the oldest.
- Q Is she married? A Yes.
- Q What is her husband's name? A Thompson.
- Q Other name? A John Thompson.
- Q Is he a full blood Choctaw? A Yes.
- Q Where does he live? A Close by Natchez.
- Q In Louisiana, though-across the River? A Yes.
- Q Do you know what her postoffice address is? A Matalia, Louisiana.
- Q What is the name of your other sister? A Mary.
- Q Where does Mary live? A All live in same place.
- Q Q What was Mary's husband's name? A Isaac Paden; he is dead.
- Q Do you know whether either of these sisters have been before the Commission, or not? A No.
- Q Do you know whether any other Choctaws live in that same vicinity? A Yes, a good many there, beyond where they live. Some Choctaws in Catahoula Parish, Louisiana. I was out there once and there was a good many there.
- Q Did you ever have any other sisters besides these two? A That is all.
- Q Are any of your wife's brothers living? A One living.
- Q What is his name? A Jim Cameron.
- Q Where does he live? A Close by Jackson, Mississippi, somewhere.
- Q How long since you have seen him? A Nearly a year.
- Q Is he a full blood Choctaw? A Yes.
- Q Do you know his postoffice address? A Expect so, Jackson.
- Q Has he been before the Commission? A Not this year. Believe he come to the Commission at Decatur.
- Q Did he ever have any other name? A That is all I ever heard.
- Q About how old a man is he? A About forty-four.
- Q Is he married? A Yes.
- Q What is his wife's name? A Mary.
- Q Have they any children? A Got two.
- Q Did your wife ever have any other brothers? A No. Never did have any others.
- Q Has your wife any sisters? A Had one but it died.
- Q Did that sister die before she grew to womanhood? A No, just died three years ago and had some children but I don't remember the children.
- Q Where do the children live? A In Kemper County.
- Q Do you know their names? A No.
- Q What was your wife's sister's name? A ~~I have heard~~ Never heard. Never did see her.
- Q Are any of John Hickman's brothers living? A No.
- Q Did he ever have any? A No.

John Anderson et al---7.

- Q Has he any sisters living? A Yes, Jim. Cameron's wife.  
Q He never had any others? A No.  
Q Are any of your father's brothers or sisters living? A No.  
Q Any of the children of any of your father's brothers or sisters living? A Yes.  
Q How many? A Two.  
Q What are the names of the children of your father's brothers and sisters? A Richardson Smith.  
Q Where does he live? A Newton County, somewhere, but I never been to the place.  
Q About how old a man is he? A About twenty-five.  
Q Is he a son of your father's sister or your father's brother?  
A My father's sister's son.  
Q What was her name? A Nancy.  
Q What is the name of this other child? A Wesley Smith.  
Q Is he the son of the same sister of your father as Richardson Smith? A Yes.  
Q Full brother of Richardson? A Yes.  
Q Where does he live? A He lives out here two or three miles, I suppose.  
Q Did he ever go by the name of John Wesley? A Yes, some call him that.  
Q Is he married? A Yes.  
Q About how old is he? A About twenty.  
Q What is his wife's name? A Te-kan-te-mah.  
Q What is his wife's father's name? A Fat Sam or Sam Cain.  
Q Are any of your mother's brothers living? A No.  
Q Are any of the children of any of your mother's brothers living?  
A No.  
Q Are any of your mother's sisters living? A No. Never had any sisters.  
Q Are any of your wife's father's brothers living? A Yes, one living.  
Q What is his name? A Billy Hall.  
Q Has he been before the Commission? A No.  
Q Where does he live? A Don't know. He went off hunting about a year ago or over and may be he is close to Vicksburg.  
Q Where did he live prior to living here? A Close to me, in Scott County.  
Q Has he a family? A Yes, got wife and one child.  
Q Where do they live? A They all live Scott County, with him.  
Q What is his wife's name? A Bicey.  
Q What is the child's name? A Just call it Billy.  
Q Are any of your wife's father's brothers dead? A No. Billy Hall is all.  
Q Did your wife's father ever have any sisters? A No.  
Q Did your wife's mother ever have any brothers? A No.  
Q Did your wife's mother ever have any sisters? A No.  
Q Are any of the brothers of John Hickman's father living? A No.  
Q Did he ever have any brothers? A No.  
Q Did John Hickman's father ever have any sisters? A No.  
Q Did John Hickman's mother ever have any brothers? A I don't know.  
Q Did John Hickman's mother ever have any sisters? A No.

This applicant has every appearance and characteristic

John Anderson et al---8

of a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through the ~~main~~ assistance of a sworn Choctaw Interpreter.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Conehatta, Mississippi, November 2nd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*  
Subscribed and sworn to before me this the 4th day of November, 1901, at Conehatta, Mississippi.

*L. B. Moseley*  
Clerk, U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

*Mr*  
*4362*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 9th, 1901.

In the matter of the application of John Eben for the identification of himself, his wife Caroline and two minor children, Callie and -----Eben, as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A Thirty eight years old.  
Q What is your postoffice address? A Rose Hill, Mississippi.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q What is your occupation at this time? A I am official interpreter for the Commission to the Five Civilized Tribes.  
Q Are you acquainted with a man by the name of John Eben? A Yes sir.  
Q Where does he live? A He lives in Scott County close to Hays but he told me last Saturday at Eley, about 20 miles from Hays, that he had left Hays while the Commission was there on purpose to keep out of its way as he did not want to have anything to do with the Commission.  
Q Do you know what his postoffice address would be? A Yes sir, his postoffice address is Steel, Mississippi.  
Q About how old a man is John Eben? A He is about twenty-six years old.  
Q How much Choctaw blood has he? A Full blood Choctaw.  
Q How long have you known him? A I have been knowing him seven or eight years.  
Q How far do you live from Steel? A About eleven miles.  
Q You are well acquainted over there in Scott County, are you? A Yes sir.  
Q Has John Eben always lived in the State of Mississippi? A Yes sir.  
Q Is his father living? A Yes sir.  
Q What is his name? A John Anderson.  
Q Is he the John Anderson who appeared before the Commission at Conehatta, Mississippi, during the month of November, 1901? A Yes sir.  
Q Is he a full blood Choctaw? A Yes sir.  
Q Do you know the name of his father or mother? A No sir, I do not.  
Q Do you know the name of John Eben's mother? A No sir.  
Q Is she living? A No sir.  
Q When did she die? A She died before I got acquainted with John Eben.  
Q Was she a full blood Choctaw? A Yes, from what I heard she was.  
Q Is John Eben married? A Yes sir.  
Q Is his wife living? A Yes sir.  
Q Is he living with her? A Yes sir.  
Q Is she a full blood? A Yes sir.  
Q What is her name? A Caroline.  
Q About how old do you think she is? A About thirty seven years old. She is older than her husband. She got a daughter married.  
Q How long have they been married, do you know? A About six years.  
Q You are sure she is a full blood? A Yes sir.



- Q How long have you known her? A About eight years.
- Q Is her father living? A No sir.
- Q What was his name? A I don't know, sir.
- Q You didn't know him? A No sir.
- Q Is her mother living? A No sir.
- Q What was her name? A I don't know, sir.
- Q Have John Eben and Caroline and children living? A Yes sir, two living.
- Q What is the name of the oldest one? A Callie.
- Q A girl? A Yes sir.
- Q Did you ever see this child? A Yes sir.
- Q Where did you see her? A Saturday, and Sunday morning, the 7th and 8th of this month.
- Q About how old is Callie, do you think? A About four years old.
- Q Do you know the name of the other child? A No sir.
- Q Did you see that child? A Yes sir.
- Q Did you see it at the same time? A Yes sir.
- Q About how old do you think that child is? A About two years old.
- Q You went to see John Eben at Eley, in Scott County, last Saturday under direction of the Commission, did you not? A Yes sir.
- Q You saw him at that time? A Yes sir.
- Q You notified him of the presence of the Commission at Carthage, did you? A Yes sir.
- Q Did you make an effort to secure his attendance here before the Commission? A Yes sir, I did.
- Q What did he say in reply to your suggestion? A He said the reason he left home was to keep from going before the Commission. I asked him to give me his children's names and he said he wouldn't give their names but I already knew the oldest one's name.
- Q You used every effort to get him to come before the Commission? A Yes sir, I did.
- Q His family then consists of himself, his wife and these two minor children only? A Yes sir.
- Q And they never have been before the Commission, any of them? A If they have I don't know it. I don't think they ever have.
- Q Do you know whether any of these people ever have been in Indian Territory? A No sir, I don't think they were ever there.
- Q Were any of their ancestors out there? A No sir, I don't think so.
- Q Do you know whether any of them ever made any application to the Tribal authorities or the United States authorities to be admitted or enrolled as members of the Tribe? A No sir.
- Q Do you know whether application was made for any of them to this Commission in the year 1896 for citizenship under the act of Congress of June 10, 1896? A No sir, I don't know.
- Q You are familiar with the 14th article of the treaty of Dancing Rabbit Creek, are you not? A Yes sir.
- Q And you understand it thoroughly? A Yes sir.
- Q Do you know whether the ancestors of either John Eben or his wife ever complied or attempted to comply with the provisions or ever received any benefits under that article? A No sir.
- Q Do you know anyone living who would likely know whether they ever did comply or attempt to comply with the provisions of this 14th article or ever received any benefits under it? A No sir.
- Q Do you know whether any of their ancestors appeared before the Commission appointed under the act of Congress approved March 3rd,



John Eben et al---3

1837, or the Commission appointed under the act of Congress approved August 23, 1842, and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

Q Do you know whether any of them received any scrip from the Government under the act of Congress approved August 23, 1842? A No sir, I don't know.

Q Has John Eben any brothers living that you know of? A No sir.

Q Has he any sisters living? A Yes sir, he has two sisters living.

Q Are they married? A Yes sir.

Q What are their names? A Millie, the wife of Tommy White.

Q What is the name of the other one? A The wife of Henry Jackson; I can't think of her name.

Q Are any of Caroline's brothers living? A Yes sir.

Q What is the name of one of them? A Joe Denson, and Tommy White.

Q They both live near Eley, do they not? A Yes sir.

Q Has she any other brothers living? A No sir.

Q Has she any sisters living? A She has two sisters; Malissa Farmer, the wife of Thomas Farmer; and another sister is the wife of Henry Willis.

Q Henry Willis is now in the Mississippi bottoms picking cotton, is he not? A Yes sir.

Q He lives at Hays, in Scott County, when he is at home? A Yes sir.

John Eben, for whom this application is made, is a full blood living near Hays in Scott County, Mississippi. He was at the office of the Commission in Hays during the latter part of last month and remained there for some time but did not make an application and stated that he would not make an application under any circumstances. On the 7th instant irregular interpreter Oscar Billey was sent to Eley where the Commission had information that Joe Denson, Tommy White, John Eben and possibly Thomas Farmer, all full bloods, could be found, none of them having made application to the Commission during the present year. Interpreter Billey was unable to induce either Eben, Denson or White to appear before the Commission at Carthage. Eben stated to him that he had left Hays especially because he did not care to appear before the Commission or be bothered with reference to such an appearance. He has the appearance of being a full blood Indian. He refused on the 7th instant to inform interpreter Billey of the name of his youngest child. No application was made to the Commission in the year 1899 for the identification of this applicant or either of his children as Mississippi Choctaws. His father, John Anderson, appeared before the Commission at Conehatta, Mississippi, on the 2nd day of November, 1901, his name appearing on Mississippi Choctaw cars, Field No. R-3996.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in

John Eben et al---4

full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 9th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*San A. L. P. 1001*

Subscribed and sworn to before me this the 10th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *Grant* Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
John Eben, et al., as Mississippi Choctaws, M.C.R. 4362.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 9, 1901, by Oscar Billey for John Eben, his wife, Caroline Eben, and his minor child, Callie Eben, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears from the record herein that at the time Oscar Billey made application for the identification of the above named applicants, he also made application for another minor child but was unable to state its name. Although the principal applicant has been repeatedly requested to furnish the name of said child, he has failed to do so.

From the evidence submitted in support of said application it appears that John Eben, Caroline Eben and Callie Eben are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that John Eben, Caroline Eben and Callie Eben should be identified as Mississippi Choctaws, and it is so ordered.

It is the further opinion of this Commission that the application made for the minor child, whose name is not disclosed, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE ~~CIVILIZED~~ TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUL 16 1904

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

MUSKOGEE, INDIAN TERRITORY, February, 18, 1903.

Wm. O. Beall,

Clerk in Charge,

~~Choctaw-Chickasaw Enrollment Division,~~

Sir:

There has been transmitted to the Mississippi Choctaw Legal Department for the preparation of a decision, an application numbered M.C.R. 4362, being that of John Eben, et al., wherein application was made by Oscar Billey for the identification of the said John Eben, his wife, Caroline, and their two minor children, but as the name of only one of said children is given in the testimony it is impossible to prepare a decision identifying the unnamed child as a Mississippi Choctaw and the record is, therefore, returned to the files for such action as may be deemed necessary.

Respectfully,



MERIDIAN, MISSISSIPPI, September 28th, 1903

John Eben,

Steel, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 9th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may at any time within six months after the date of their identification, remove to and make bona fide settlement of the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose? You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

File No 47  
M C R 4362

Special Agent

Meridian, Mississippi, November 24, 1903.

John Eben,

Steel, Mississippi.

Dear Sir-

Under date of September 28, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 9th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

Special Agent.

Muskogee, Indian Territory, March 11, 1904.

John Eben,

Steele, Mississippi.

Dear Sir:

It appears from the records of the Commission that on December 9, 1901, Oscar Billey made application for the identification of yourself, your wife, Caroline Eben, and your two minor children as Mississippi Choctaws.

In his testimony at that time he failed to give the name of one of your children, and in order to secure this information there is enclosed you herewith an affidavit in interrogatory form, which you are directed to take before some notary public and answer under oath the questions therein propounded, and return the same to this Commission in the enclosed envelope, which requires no postage, at your earliest convenience. This matter should receive your prompt attention.

Respectfully,

Enc. JD -3.  
A Env.

Commissioner in Charge.



COPY.

Muskogee, Indian Territory, July 16, 1904.

John Eben,

Steel,, Mississippi,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you, your wife, Caroline Eben and your minor child, Callie Eben, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order for you to avail yourselves of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

*Jane Bixby.*

Registered.

Chairman.

Incl. M.C.R. 4362.

COPY.

Muskogee, Indian Territory, July, 16, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying John Eben, his wife, Carbine Eben and his minor child, Callie Eben, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of said time no protest has been filed their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Incl. M.C.R. 4362.

See M.C.R. 6507 for registry receipt for this letter.

COPY.

Muskogee, Indian Territory, July 16, 1904.

Oscar Billey,

Roff, Indian Territory,

Dear Sir:-

You are hereby advised that the Commission to the Five Civilized Tribes, on July 16, 1904, rendered its decision identifying John Eben, his wife, Caroline Eben and his minor child, Callie Eben, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 16, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order for the persons so identified to avail themselves of the benefits of such identification, they must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

## For Identification as a Mississippi Choctaw.

Date DEC 9 1901

Name John Eben

Age 26

Blood full

Post Office, Steel, Miss.

Father: John Andersen

2

Mother: dont know

d

Claims through both parents.

wife Caroline Eben

(full) 37

Father dont know

d

Mother

"

"

2

Children:

Callie Eben

4

---

"

2

(affidavit made by  
 irregular interpreter Oscar  
 B. Lee, Jr. John Eben,  
 his wife and 2 minor  
 children.)

Stenographer

J. S. Kiles

Choctaw MCR 4363

Tommy White

See MCR 4361

MCR 4363

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
Tommy White, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for  
the identification of Tommy White, et al., as Mississippi  
Choctaws, M.C.R. 4363.

-oOo-

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
Tommy White, et al., as Mississippi Choctaws, M.C.R.4363.

--: I N D E X :--

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-oOo-

ME 4363

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 9th, 1901.

In the matter of the application of Tommy White for the identification of himself, his wife Millie, and three minor children, Caselus, ----- and -----White, as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Oscar Billey.
- Q What is your age? A Thirty eight years.
- Q What is your postoffice address? A High Hill, Mississippi.
- Q Are you a full blood Choctaw Indian? A Yes.
- Q What is your occupation at this time? A I am official interpreter for the Commission to the Five Civilized Tribes.
- Q Are you acquainted with a man by the name of Tommy White? A Yes sir.
- Q Where does he live? A Right near Eley in Scott County.
- Q How long has he lived there? A He just moved up there about a month ago.
- Q Where did he live before that? A He lived about two miles from Hays in Scott County, Mississippi.
- Q What is his postoffice address? A Eley.
- Q How much Choctaw blood has he? A Full blood Choctaw.
- Q How long have you known Tommy White? A Eight or ten years.
- Q About how old do you think he is? A About thirty eight years old.
- Q Is his father living? A No sir.
- Q What was his name? A I don't know, sir.
- Q Were you acquainted with him? A No sir.
- Q Is Tommy's mother living? A No sir.
- Q What was her name? A I don't know, sir.
- Q Was she a full blood Choctaw, do you know? A Yes, from what I heard she was a full blood.
- Q Do you know the name of any one of Tommy's ancestors? A No sir.
- Q He has the appearance, however, of being a full blood, has he? A Yes sir.
- Q Speaks and understands the Choctaw language? A Yes sir and very little English.
- Q Is he married? A Yes sir.
- Q How many times has he been married? A He has been married three times.
- Q Are his first two wives dead? A He separated from his first wife.
- ✓ George Smith's present wife was his first wife. His second wife died.
- Q Were they married, he and his first wife, under a license or according to Choctaw custom? A Under Choctaw custom.
- Q How long did they live together? A About two years.
- Q Did either of them procure a divorce? A No, they just separated.
- Q What is the custom in cases of this kind among the Choctaws? A It is custom when they parted they just go on and marry again and the woman the same way.
- Q Did they have any children? A Yes sir, they had one.
- Q With whom does that child live? A With its step-daddy George Smith.



- Q What is Tommy's present wife's name? A Millie.
- Q Are they living together now? A Yes sir.
- Q Is Millie a full blood Choctaw? A Yes sir.
- Q How long have you known her? A I have known her six or seven years.
- Q About how old do you think she is? A She is about twenty-eight years old.
- Q Has she always lived here in Mississippi? A Yes sir.
- Q Is her father living? A Yes sir.
- Q What is his name? A John Anderson.
- Q Is he the John Anderson who appeared before the Commission at Conehatta, Mississippi on the 2nd day of November last? A Yes sir.
- Q Is Millie's mother living? A No sir.
- Q What is her name? A I don't know.
- Q Do you know John Anderson's father's or mother's name? A No sir, I do not.
- Q Did Tommy have any children by his second wife? A No sir.
- Q Has he any children by his present wife? A Yes sir.
- Q How many? A Three.
- Q His family then is comprised of himself, his wife and three children only? A Yes sir.
- Q Do you know the names of these three children? A I know the oldest one, Caselus.
- Q Is that a boy? A Yes sir.
- Q How old is he? A About five years old.
- Q How old is the next one of these children, do you think? A About three years old.
- Q Boy or girl? A Girl.
- Q How old is the next one? A About a year old.
- Q Boy or girl? A Girl.
- Q Are these children all living? A Yes sir.
- Q When did you see them last? A I seen them last Saturday night; I was there on the 7th and 8th of this month.
- Q You were sent by the Commission at that time to Eley, where Tommy White lives, to notify him and John Eben, Thomas Farmer and Joe Denson, of the appointment of the Commission at this place and to endeavor to secure their appearance before us here, were you not?
- A Yes sir.
- Q Did you make every effort to induce Tommy White to appear before the Commission? A Yes sir.
- Q Are you on friendly terms with him? A Yes sir.
- Q What were the results of your efforts? A He just said this- I been poor all my life and if that land was there for me I aint able to go out there and see after him and so I don't want it.
- Q He refused to come before the Commission? A Yes sir.
- Q Did you ask him the names of the members of his family? A Yes sir. He said he would not give their names, but I knew the oldest one's name.
- Q Do you know whether the name of Tommy White or the name of his wife are to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Do you know whether either of them has ever been admitted to citizenship in the Choctaw Nation? A No sir.
- Q Do you know whether either of them has ever made an application of any description to this Commission? A No sir.
- Q Did you ever hear of his going by any other name than Tommy White? A No sir.

Q You are familiar with the 14th article of the treaty of Dancing Rabbit Creek, are you not? A Yes sir.

Q You understand it thoroughly? A Yes sir.

Q Do you know whether any of the ancestors of Tommy White or any of the ancestors of his wife ever complied or attempted to comply with the provisions of article 14 or ever received any benefits under it? A No sir.

Q Do you know anyone living who would likely be informed on this subject? A No sir.

Q Do you know whether any of the ancestors of either Tommy White or his wife appeared before either the Commission appointed under the act of Congress approved March 3rd, 1837, or the Commission appointed under the act of Congress approved August 23, 1842, and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, I do not.

Q Do you know whether any of them ever received any scrip from the Government under the act of Congress approved August 23, 1842?

A No sir.

Q Do both Tommy White and his wife speak and understand the Choctaw language? A Yes sir and very little English.

Q You saw all three of these children of theirs Saturday? A Yes sir.

Q Do they have the appearance of being full blood Choctaws? A Yes sir.

Q Has Tommy White any brothers living? A Yes sir.

Q How many? A One.

Q What is his name? A Joe Denson.

Q Is Joe Denson a full brother? A Yes sir.

Q Has Tommy White any sisters living? A Yes sir, three living.

Q What are their names? A The oldest one is the wife of Henry Willis. I don't remember her name.

Q Next one? A Caroline Eben, the wife of John Eben.

Q Next one? A Malissa Farmer, the wife of Thomas Farmer.

Q Has Millie White any brothers living? A Yes sir.

Q How many? A One.

Q What is his name? A John Eben.

Q Has she any sisters living? A Yes sir, She has one sister living but I don't know her name. She is the wife of Henry Jackson, lives down near Conehatta.

Tommy White, for whom this application is made, is a full blood Choctaw living near Eley in Scott County, Mississippi. He has never made any application of any description to the Commission to the Five Civilized Tribes. On the 7th instant irregular interpreter Oscar Billey, who is well acquainted with White, proceeded under instructions from the Commission to Eley, for the purpose of notifying Tommy White, his brother Joe Denson, his brother-in-law John Eben, and Thomas Farmer, of the appointment of the Commission at Carthage and inducing them if possible to appear before the Commission. Although every possible effort was made to induce White to appear before the Commission he refuses to do so, even refusing to advise interpreter Billey of the names of his two youngest children. He stated to interpreter Billey that he positively would not give in his name to the Commission or have anything to do with it.

Tommy White et al---4

pher to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 9th, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*L. S. Kiser*

Subscribed and sworn to before me this the 10th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosely*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
Tommy White, et al., as Mississippi Choctaws, M.C.R. 4363.

---: D E C I S I O N :---

~~It appears from the record herein that application for~~  
identification as Mississippi Choctaws was made to this Commission  
on December 9, 1901, by Oscar Billey for Tommy White, his wife,  
Millie White, and his minor child, Caselus White, under the fol-  
lowing provision of the act of Congress approved June 28, 1898 (30  
Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the In-  
terior."

It appears from the record herein that at the time Oscar  
Billey made application for the identification of the above named  
applicants, he also made application for two other minor children,  
but was unable to state their names. Although the principal appli-  
cant has been repeatedly requested to furnish the names of said  
children, he had failed to do so.

From the evidence submitted in support of said application  
it appears that Tommy White, Millie White and Caselus White are full-  
blood Mississippi Choctaw Indians.


Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Tommy White, Millie White and Caselus White should be identified as Mississippi Choctaws, and it is so ordered.

It is the further opinion of this Commission that the application made for the identification as Mississippi Choctaws, of the two minor children, whose names are not disclosed, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Chairman.

  
Commissioner.

Muskogee, Indian Territory,

JUL 16 1904

COMMISSIONERS

HENRY L. DAWES,  
TAMM BLADY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, February 17, 1906.

Wm. O. Beall,

Clerk in Charge,

Choctaw-Chickasaw Enrollment Division,

Sir:

There has been transmitted to the Mississippi Choctaw  
- Legal Department for the preparation of a decision, an application  
numbered M.C.R. 4363, being that of Tommy White, et al., wherein ap-  
plication was made by Oscar Miller for the identification of the  
said Tommy White and three minor children, but as the name of only  
one of these children is given in the testimony it is impossible to  
prepare a decision identifying them as full-blood Mississippi Choctaw-  
taws, and the record is, therefore, returned to the files for such  
action as may be deemed necessary.

Respectfully,

MERIDIAN, MISSISSIPPI, October 1, 1903.

Tommy White,

Eley, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 9th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may at any time within six months from the date of their identification, remove to and make bona fide settlement in the Choctaw--Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of eight A. M. and six P. M.

very respectfully,

No. 68---M C R 4363.

Special Agent.

Meridian, Mississippi, November 25, 1903.

Tommy White,

Eley, Mississippi.

Dear Sir-

Under date of October 1, 1903, the following letter was written to you:

- It appears from the records of the Commission that on December 9th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of eight a.m. and six p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 68

Special Agent.



Muskogee, Indian Territory, March 12, 1904.

Tommy White,

Eley, Mississippi.

Dear Sir:

It appears from the records of the Commission that on December 9, 1901, Oscar Billey appeared before this Commission at Carthage, Mississippi, and made application for you, your wife, Millie White, and your three minor children as Mississippi Choctaws.

Oscar Billey, at that time, was unable to give the names of your wife's parents, and in order to secure this information in proper form there is enclosed you herewith an affidavit in interrogatory form, which you are directed to take before some notary public and answer under oath the questions therein propounded, and return the same to this Commission in the enclosed envelope, which requires no postage. This matter should receive your prompt attention.

Respectfully,

Enc. JD -4  
& Env.

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, July 16, 1904.

Tommy White,

Eley, Mississippi,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you, your wife, Millie White, and your minor child, -Caselus White, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641)

Under the provisions of the law above cited, in order for you to avail yourselves of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Tams Dixby.*

Chairman.

Registered.

Incl. M.C.R. 4363.

COPY.

Muskogee, Indian Territory, July 16, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Tommy White, his wife, Millie White, and his minor child, Caselus White, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and satisfactory proof of service of said protest upon the applicants herein. If at the expiration of said time no protest has been filed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

Registered.  
Incl. M.C.R. 4363.

COPY.

Muskogee, Indian Territory, July 16, 1904.

Oscar Billey,

Roff, Indian Territory,

Dear Sir:-

You are hereby advised that the Commission to the Five Civilized Tribes, on July 16, 1904, rendered its decision identifying Tommy White, his wife, Millie White, and his minor child, Caselus White, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provision of the law above cited, in order for the persons so identified to avail themselves of the benefits of such identification, they must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16 1905, and must make proof of such removal and settlement on or before July 16, 1906, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Tamr Dixby.*

Chairman.

# For Identification as a Mississippi Choctaw.

Date DEC 9 1901

Name Tommy White

Age 38 Blood full

Post Office, Eley, Miss.

Father: dont know

d

Mother: " "

d

Claims through both parents.

Wife Millie White (full) 28

Father John Anderson

L

Mother dont know

d

Children:

Caselus White (M) 5

~~~~~ " (F) 3

~~~~~ " (F) 1

(Application made by  
Interpreter Oscar Bailey  
for Tommy White, his  
wife and 3 minor children)

Stenographer

J. S. Niles

Choctaw MCR 4364

J. N. Camden

See MCR 3661

MCR 4364

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T. December 14, 1901.

4364.

In the matter of the application of J. N. Camden for the identification of himself and one minor child, Georgia H. Camden, as Mississippi Choctaws.

---Not represented by attorney---

J. N. Camden, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A J. N. Camden.  
Q What is your age? A Fifty six.  
Q How much Choctaw blood do you claim to be possessed of? A I believe our folks claim about one eighth.  
Q How much do you claim? A I will claim that of course, if my brother---  
Q What is your post office address? A Purcell or Story, I get mail at both places.  
Q Purcell, Indian Territory? A Yes sir.  
Q How long have you lived at Purcell? A Twelve years.  
Q Where did you live before that? A I lived two years in the Cherokee Nation and I lived two years in Benton county, Arkansas, and the rest of my life I was raised in South west Missouri, Lawrence county.  
Q Born in Southwest Missouri? A No, I was born in Tennessee and my father moved there when I was one year old---to Lawrence county, Missouri.  
Q Is your father living? A No sir.  
Q What is his name? A Leroy S. Camden.  
Q How old would your father be if he were living now? A He would be close to a hundred years old. I don't know exactly his age/ I have got his age in the bible.  
Q You think he would be about a hundred if he were living now? A Yes, between ninety and one hundred.  
Q Is your mother living? A No sir.  
Q How old would your mother be if she were living now? A She would be eighty or eighty five.  
Q What was your mother's name? A Odela.  
Q From which one of your parents do you get your Choctaw blood? A My mother.  
Q Where was your mother born? A In Mississippi.  
Q Where did she die? A She died in Missouri.  
Q Moved from Mississippi to Missouri? A No, to Tennessee, and there is where her and father were married and then moved to southwest Missouri in Lawrence county.  
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.  
Q Are you married? A Yes sir.  
Q What is the name of your wife? A My wife is dead she died last fall; her name was Elizabeth A.  
Q Did your wife make any claim to Indian blood? A No sir.  
Q Have you any children under the age of twenty one years and unmarried that you desire to make application for? A Yes sir,

J. N. Camden-----2.

I have one.

Q Give the name and age of that child, please? A Georgia H., age 14.

Q This claim you make now is for yourself and one minor child?

A Yes sir, I have got four other children but they are married.

Q What is the name of your oldest married child? A T.L.Camden.

Q Has he any children? A Yes sir, he has three.

Q What are their names and ages? A I can give their names, but I don't think I can give their ages.

Q Give their names? A Myrtle, Charley and Sallie.

Q Is his wife a white woman? A Yes sir.

Q Give the name of your next married child? A L.G.Camden.

Q Has he any children? A Yes sir.

Q Give the names and ages if you can? A James H., five years old, and Leroy, two.

Q Is that all of his children? A Yes sir.

Q What is his wife's name? A His wife's name is Julia.

Q Does she make any claim to Indian blood? A No sir, I think not.

Q Give the name of your other child? A Letha Lafavers.

Q Has she any children? A She has three.

Q Give the names please and the ages if you can? A Birdie, eight.

Q Is that a boy or girl? A Girl.

Q Next? A James, six, and Jake he is about three.

Q What is her husband's full name? A William P. Lafavers.

Q Does he make claim to Indian blood? A No sir; they live in Missouri; the others all live in the territory.

Q Is that all of your family? A Yes sir.

Q Have any of these children of yours made application to the Commission for identification as Mississippi Choctaws? A No sir.

Q Is your name or the name of your child to be found upon the tribal rolls of the Choctaw Nation in Indian Territory? A I do not know.

Q Don't you know if your name is on the Choctaw tribal rolls in the Choctaw Nation here in the Indian Territory---Wouldn't you know it if it was? A I don't know as I would.

Q Have you any reason to think that your name is on the rolls?

A The Camden name?

Q You name? A No sir, I have no reason to believe it is.

Q You never made application to the Choctaw tribal authorities

A No sir, this is my first.

Q Then as a matter of fact your name or your child's are not on the tribal rolls? A No sir. Q Did you or any one for you or for your child ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe?

A No sir.

Q Did you or any one for you or for your child in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Have you or has your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United-States Court for Indian Territory? A No sir.

Q Have you ever made application prior to this time for yourself or your child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.



J.N.Camden-----3.

Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty concluded between the United States government and the Choctaw tribe of Indians in Mississippi September 1830? A Yes sir.

This treaty was entered into in Mississippi between the United States government and the Choctaw tribe of Indians on the 27th day of September, 1830, and was for the purpose of securing the removal of all of the Choctaws who then occupied a portion of the state of Mississippi and a small portion of the state of Alabama to a new country west of the Mississippi river, part of which is now occupied by the Choctaw tribe of Indians in Indian Territory. At the time this treaty was made, some of the Indians were unwilling to remove from the old Choctaw Nation to the new Choctaw Nation, and for the benefit of this class of Indians article fourteen was put into that treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article as read? A I Think I do, probably.

The explanation of it is this---That fourteenth article required that in case a Choctaw desired to remain in the Choctaw Nation in Mississippi and Alabama and receive land from the government under that fourteenth article, he should within six months after the ratification of the treaty---this treaty was ratified on the 24th day of February, 1831---go to the Indian Agent in Mississippi and signify to him or tell him that they wanted to remain in that state and accept lands or benefits under the provisions of this article. When he had performed these acts he was entitled to a reservation as a head of a family of one section of 640 acres of land, and for each child ~~under~~ over ten years of age he was entitled to one half section or three hundred and twenty acres, and for each child under ten years he was entitled to a quarter section or one hundred and sixty acres of land. The reservations of the children were to adjoin the locations of the parent, and to include the improvement of the head of the family at the time the treaty was concluded, September 27, 1830. By a further provision of this article, a Choctaw who

J.N.Camden-----4.

had signified his intention of remaining was required to live on that land five years, after which time a deed in fee simple would be given to him by the government and he could dispose of the land at his pleasure. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that provided a Choctaw remain in Mississippi and complied with the provisions of article fourteen, if he ever removed he would not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but he would forfeit his right to participate in the annuity payments. The annuities were money payments made annually to the Choctaw tribe of Indians under treaty stipulations.

Q Do you understand that now? A Yes sir.

Q What is the name of your Choctaw ancestor who resided in Mississippi and was the head of a family at the time this treaty was concluded? A Nathaniel Payne.

Q What relation was he to you? A My grandfather.

Q You claim your Choctaw blood from your mother, Odela Camden? A Yes sir.

Q What relation was your mother to Nathaniel Payne? A She was his daughter.

Q Was this Choctaw ancestor of yours recognized as a member of the Choctaw tribe of Indians in 1830? A I couldn't say; I have some evidence that he was.

Q What kind of evidence have you? A My brother---I have a copy of the evidence that he has filed. He said probably I would need a copy of it.

Applicant here submits certified copies of affidavits of Johnson Colbert, Isam Matubbie and Amos Johnson, which he asks to be filed with and made a part of the record in his case.

Q Do you know Johnson Colbert? A No sir.

Q You don't know anything about him at all. A No sir, I don't guess that I do; I may have seen him I used to know some of the old Colberts.

Q Do you know what means Johnson Colbert would have of knowing Nathaniel Payne? A No sir.

Q Do you know Isam Matubbie? A No sir.

Q Or Amos Johnson? A No sir.

Q You don't know anything about the facts they set up in these affidavits? A No sir.

Q Then of your own knowledge you do not know that Nathaniel Payne was a recognized member of the Choctaw tribe of Indians in 1830? A No sir.

Q Did you ever see Nathaniel Payne? A No sir.

Q He died before you were born? A Died about a year before I was born.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi at the time this treaty was made, 27th September, 1830? A I do not know.

Q Did any of your Choctaw ancestors remove from the old Choctaw

J.H.Camden-----5.

Nation in Mississippi and Alabama to the new Choctaw Nation in Indian Territory with the emigration of the Choctaw Indians between the years 1833 and 1838? A Not that I know.

Q Did any of your Choctaw ancestors within six months from the ratification of this treaty---that is six months from February 24, 1831---go to the United States Indian Agent in Mississippi and tell him they wanted to stay in Mississippi, and accept land or benefits under the provisions of this fourteenth article? A Not as I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under the provisions of this article fourteen? A Not that ever I heard of.

Q Do you know whether any of your Choctaw ancestors ever received any land or benefits of any kind under any treaty as Choctaw Indians from the United States government? A No sir, not as I know of.

In accordance with the provisions of article fourteen of this treaty the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaw Indians who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of the fourteenth article. On this account in many instances the lands upon which Indians had improvements and which they desired reserved for them were sold by the government at its public land sales and the Choctaws were deprived of their land. This action of the government caused a great many complaints which finally reached the attention of Congress and Congress under various acts appointed Commissions to go in to Mississippi and investigate these claims. These Commissions investigated a number of cases allowing some and rejecting others. Of the claims allowed, if the land had not been sold by the government at these public lands sales, the claimant was put in possession of his land; if, however, the land had been sold, the Indian was given scrip in lieu of such land; and this scrip entitled the Indians to take up government land in the states of Mississippi, Alabama, Louisiana or Arkansas.

Q Did any one of your ancestors ever appear before any of these Commissions and attempt to establish any claim which he might have for land under the provisions of this fourteenth article? A Not that I know of.

Q Did any of your ancestors own any land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

Q Do you know whether any of your ancestors ever received any scrip from the government in lieu of any land which he had lost by being sold at government land sales? A No sir.

Q Then, so far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No, not that I know of.

Q So far as you know did any of your Choctaw ancestors receive any benefits as Choctaw Indians? A No sir.

J.H.Camden-----6.

- Q Have you any witnesses you want to bring before the Commission to testify in your case today? A No sir.
- Q Do you know of any witnesses who are living who would be able to testify to your being descended from Nathaniel Payne and as to the quantum of Indians blood claimed by yourself and Nathaniel Payne? A No sir.
- Q Do you know of the existence of any documentary evidence, papers, deeds or patents, that would tend to show that your ancestors ever received any lands as Choctaw Indians? A No sir.
- Q Have you no documentary evidence you want to file except these affidavits which you have already submitted? A That is all.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any relatives who have appeared here before the Commission? A My brother has been before the Commission.
- Q What is your brother's name? A L.B.Camden, and a cousin by name of N.P.Getcher.
- Q Any others of your brothers or sisters? A No sir, I have a sister that lives in the Choctaw Nation, but I have not seen her since this Commission has been here.
- Q What is her name? A Her name is Holman.
- Q And what is her given name? A Martha.

Reference is here made to M.C.R.3662, Leroy B. Camden, and M.C.R.3661, Nathaniel P. Getcher.

- Q Do you desire your case to be considered together with the cases of these two applicants, relatives of yours? A Yes sir.

This applicant has brown hair mixed with gray; dark gray eyes the features and appearance of a person of white parentage. He does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 14th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory this 19th day of December, 1901.



Commissioner.

COPY.

M.C.R. 4364

Muckagee, Indian Territory, July 12, 1902.

J. M. Camden,

Purcell, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathaniel P. Gatcher, et al., embracing the following applications for identification as Mississippi Choctaws:

|                            |             |
|----------------------------|-------------|
| Nathaniel P. Gatcher,      | M.C.R. 3661 |
| Leroy B. Camden,           | M.C.R. 3662 |
| Harriet Alexander, et al., | M.C.R. 3664 |
| John N. Camden,            | M.C.R. 3660 |
| Mary Camden,               | M.C.R. 3665 |
| Andrew B. Camden,          | M.C.R. 3666 |
| Eva Mathews, et al.,       | M.C.R. 3604 |
| Kylie Myler, et al.,       | M.C.R. 3667 |
| J. N. Camden, et al.,      | M.C.R. 4364 |

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

J. N. C. -----2

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nathaniel F. Cotcher, Leroy B. Camden, Harriet Alexander, Guilford Alexander, George Alexander, Harriet Alexander (2), Hester Alexander, John N. Camden, Mary Camden, Andrew B. Camden, Eva Mathews, Polly Mathews, Fern Mathews, Effie Myler, Ethel Myler, J. N. Camden and Georgia H. Camden, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him,

Yours truly,

(SIGNED)

Registered.

*James Dixey*

Acting Chairman.

K.C.R. 4364.

Muskogee, Indian Territory, October 8, 1902.

J. W. Camden,

Purcell, Indian Territory.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nathaniel P. Gotcher, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date DEC 14 1911

Name J. N. Camden

Age 56 Blood  $\frac{1}{8}$

Post Office, Purcell Ind

Father: Leroy J. Camden Dead

Mother: Odella Camden Dead

Claims through Mother  
wife Elizabeth N. Camden Dead  
White

Claim for self & minor child -

Children:

Georgia N. Camden 14

Stenographer H. C. Ristun



Choctaw MCR 4365

Rebecca Hoskins

See MCR 4777

MCR 4365

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. December 14, 1901.

4365

In the matter of the application for identification as Mississippi Choctaws of Rebecca Hoskins for herself and her minor son Alonzo Hoskins.

Applicant not represented by attorney.

Rebecca Hoskins being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Rebecca Hoskins, H-o-s-k-i-n-s.  
Q How old are you? A Thirty-five.  
Q How much Choctaw blood do you claim? A One-quarter.  
Q What is your post office address? A Muskogee.  
Q How long have you lived in Muskogee? A Twelve years.  
Q Where did you live before that? A In Mississippi.  
Q Were you born in Mississippi? A Yes sir.  
Q When did you leave Mississippi? A In 1887.  
Q Came to Indian Territory? A We came to Little Rock and from there we came here.  
Q Is your father living? A Yes sir.  
Q What is his name? A Tom Poe  
Q How old is your father? A Sixty-two.  
Q Is your mother living? A No sir.  
Q How old would your mother be if she were living now? A She died at the age of thirty-five and died when I was eleven years old.  
Q She would be fifty-nine years of age then? A Yes sir.  
Q What was her mother's name? A Jennie Peoples before she married Tom Poe.  
Q Through which one of your parents do you claim your Choctaw blood? Her grandmother was a full blood Choctaw.  
Q Your mother's mother? A Yes sir.  
Q Then you claim your Choctaw blood through your mother? A Yes sir.  
Q Where was your mother born? A In Mississippi but what County I don't know, I was born in Webster County, she died in Mississippi also.  
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? Was she ever enrolled as a member in the Indian Territory? A Not as I know of.  
Q Was she ever over here in the Indian Territory? A No sir.  
Q Then she was never enrolled here by the tribal authorities? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Horace Hoskins.  
Q He is living is he? A Yes sir.  
Q Does he make any claim to Indian blood? A No sir.  
Q What race is he? A He is colored and a little white. I suppose He says he don't know but he is bright.

#2

- Q He makes no claim to Indian blood? A No sir.
- Q You make no claim for him? A Why I don't know, if I could I would. All that I can tell you is that he is my husband we married in 1887.
- Q The Commission is investigating the right of Choctaw Indians who make claim to share in the division of these lands and you say he has no Indian blood? A No sir.
- Q You don't want to make any claim for him then? A No sir.
- Q Do you make any claim for him at all? A No I never thought about making any.
- Q You say he is not an Indian? A No sir.
- Q Then you don't want to make any claim for him? A No sir.
- Q Have you any children under the age of twenty-one and unmarried for whom you desire to make application at this time? A Yes I have one child.
- Q What is the name of this child? A Alonzo he is fourteen years.
- Q Then this claim is for yourself and your minor child? A Yes sir.
- Q Is your name or the name of your child for whom you make application to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A ~~Is my name on the rolls?~~
- Q Is your name or the name of your child for whom you make application to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or did any one for you or your child ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir there is a lawyer working on it now over in Mississippi and had me go over there.
- Q Did you or your child ever make application to the Choctaw tribal authorities? A No sir.
- Q Did you or any one for you in 1896 appear before the Commission to the Five Civilized Tribes and ask to be admitted to citizenship under the law of June 10th 1896? A No sir.
- Q Have you or your minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself and your minor child to the Choctaw tribal authorities or the authorities of the United States to be enrolled or admitted as a citizen of the Choctaw Nation? A No sir.
- Q Do you come before the Commission at this time to make application for yourself and your minor child to share in the lands of the Choctaw Nation Indian Territory under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

This treaty was entered into by the Choctaw tribe of Indians and the United States government at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh day of September eighteen hundred and thirty. The object of the treaty was to assure the removal of the Choctaws who then occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the western boundary line to a new country west of the Mississippi River. At the time the treaty was made some of the Choctaws in Mississippi and Alabama did not want to come to this new country west of the Mississippi River and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

Q Do you understand that article as read to you? A Yes very well.

The fourteenth article required that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions he should within six months from the ratification of the treaty, the treaty being ratified on the 4th day of February 1831 appear before the Indian Agent in Mississippi and signify to him or tell him that he wanted to remain in Mississippi and accept land under this fourteenth article and become a citizen of the State. When they had done this, they would then be entitled to receive land; the head of a family one section of 640 acres to be bounded by sectional lines of survey and for each child unmarried and over ten years of age one-half section or three hundred and twenty acres and one-quarter section or one hundred and sixty acres for each child under ten years of age; the reservation of the children to adjoin the reservation of the parent and to include the improvements owned by the head of the family at the time the treaty was concluded September twenty-seventh, eighteen hundred and thirty. Also, by the provisions of this fourteenth article a Choctaw who had signified his intention to remain and take land was required to, reside upon said land for a period of five years after which time the government would give him a title in fee simple so that he could dispose of this land at his pleasure. The last clause of the fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that if the resided in the State of Mississippi and accepted lands under the fourteenth article and resided there for five years they would not forfeit their right to citizenship in the Choctaw Nation Indian Territory but they would forfeit any rights they might have to claim any portion of the Choctaw annuities. These annuities were moneys paid to the Choctaw Indians under treaties between the United States and the Choctaw tribe of Indians.

- Q Do you think that explanation is clear to you? A Yes sir.
- Q What was the name of your ancestor who lived in Mississippi in 1830 at the time this treaty was concluded and recognized as a member of the Choctaw tribe of Indians? A Marion Peeples.
- Q What relation was Marion Peeples to you? A My Auntie.
- Q You can't claim through your aunt. Your mother could not get her Choctaw blood from your aunt? A It was Grandmother Edie Wilson.
- Q She was your mother's mother? A Yes sir.
- Q How much Choctaw blood did she have? A Full blood.
- Q Did you know your grandmother? A No sir I hardly knew her.
- Q You have no recollections of her? A No sir.
- Q You know where she died? A Mississippi.
- Q Always lived in Mississippi? A Yes sir.
- Q You know where she was born? A I think she was born in Mississippi.
- Q You know when she died? A She died when I was a baby, she has been dead about thirty odd years.
- Q You know how old she was when she died? A No sir I did not get her age when I was down there.
- Q Do you know whether Edie Wilson was ever recognized as a member of the Choctaw tribe of Indians in Mississippi? A My aunt said she was.
- Q By the Choctaw tribal authorities? A Yes sir.

- Q Did Edie Wilson own any improvements in Mississippi in 1830, any lands upon which she had improvements? A No they had what you call a guardian, what they called Cal Peoples a white man. He seemed to see after them but they were free people and her children were free.
- Q She was a full blooded Indian you say? A Yes sir.
- Q Did you ever hear of any Indians being slaves? A No sir.
- Q Was either your mother Or father a slave? A My father was but my mother was not.
- Q Was your father a full blood negro? A No sir a little something else, he don't know what it is.
- Q Your mother was never a slave? A No sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation Indian Territory between the years 1833 and 1838 when the Choctaws came to this Country? A No sir none of them moved.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty go before the Indian Agent in Mississippi and tell him that they wanted to stay and take land under article fourteen? A No sir.
- Q Do you know whether any of your Choctaw ancestors ever received any land from the United States government under this treaty? A Never have, they are back there now trying to get it in shape.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the government directed an Indian Agent in the State of Mississippi to register the names of those Choctaws who wanted to stay in Mississippi and become citizens of that State and take land there under this fourteenth article. The records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who really did go before him and signify their intention to remain and take land there and become citizens of that state. On this account in many instances the land upon which the Indians had improvements and which they desired reserved for them under said article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land. This action of the government caused a great many complaints by the Choctaws and matter was finally brought to the attention of Congress and Congress under various acts appointed Commissions to go to Mississippi and investigate these claims. These Commissions investigated a number of claims and if the lands which the Indians claimed had not already been sold it was given them. If the land had been sold the Indians were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your Choctaw ancestors own any land in any of these States? A No sir.
- Q Did any of your Choctaw ancestors ever receive any scrip from the United States Commissioners? A No sir.
- Q Did any of your Choctaw ancestors ever appear before any of these Commissioners and attempt to establish any claim that they might have had as Choctaws claiming land under article fourteen of this treaty? A No sir they have not yet.
- Q Have you any documentary evidence such as deeds or patents to lands that you could file with the Commission that would tend to show that your ancestors complied or attempted to comply with the fourteenth article of this treaty? A No sir.
- Q Or that they ever got any land from the government as Choctaw Indians? A No sir they never got anything.

- Q Do you know of any living witnesses who could come before this Commission and testify that your ancestors did comply with the fourteenth article of this treaty and receive lands as Choctaw Indians? A No sir I don't know.
- Q Have you any written evidence that you want to file with the Commission to-day in support of your application? A No sir.
- Q You are aware that you are applying for valuable property rights and that your unsupported statement will carry very little weight with it? A Yes sir.
- Q Do you expect to file with the Commission any further evidence in support of your case? A File with them?
- Q Do you expect to put the Commission in the possession of any other evidence besides your own testimony? A If mine is alright I will not.
- Q I have just told you that your own unsupported statement will carry very little weight? A You mean witnesses?
- Q Well I have explained to you that you are here applying for identification as a Mississippi Choctaw and to share in the Choctaw Lands; that land is worth money and don't you know that your unsupported statement will carry very little weight? Don't you know you ought to have evidence? A What should the lawyer do?
- Q The lawyer don't know anything about your case except what you tell him? A We can get plenty of witnesses in Mississippi, but they got after us, the white people and would not let us stay there.
- Q Did you see any of the Commissioners there at all? A No sir the mail man said they were en-route there.
- Q What did the white people want you to get out of there for? A They said there was too many niggers coming there so I was ready to leave there.
- Q Well the Commission will hold a session at Meridian Mississippi from January 15th to February 15th 1902 inclusive. Do you think you can get any of your witnesses before the Commission at that time? A They all intend to go but the lawyer said he could get mine fixed up here.
- Q Well we will hear your case but can't you get any other witnesses in support of your application? A Yes I think so.
- Q You have none here to day? A No sir.
- Q Have you any papers that you want to file now with the Commission? A Any folks you mean.
- Q Any papers? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any members of your family any relatives who have ever appeared before the Commission and applied for identification as Mississippi Choctaws? A No sir.
- Q Have you got any uncles or aunts on your mother's side living? A Yes two aunts; Maria Peeples and Eliza Pitman. I don't know where my uncles are.
- Q You know their names? A Arnolds. but I think they are dead.
- Q So far as you know none of your people have ever been before the Commission and applied for identification as Mississippi Choctaws? A No sir.
- Q Maria Pitman and Eliza Peeples are daughters of your mother's mother? A Yes sir.
- Q Where do they live? A They live in Mississippi.
- Q Have they got any children? A Yes sir.
- Q Give the names of the children of Eliza Pitman? A Ed.
- Q How old is Ed? A He is about thirty-one or two.
- Q Is he married and got a family? A And Anna She is married.
- Q What is her married name? A She married a Pitman.
- Q She got any children? A Yes one. The other one is named Healon and one named Nancy and Alice they are not married and Aunt Maria she has got Edie.

- Q Is Edie married? A No sir but she is grown and one named Froni Holmes, she is married and got six children and Ellen Poe.
- Q That all of your kin-folks that you know of now? A No I have some sisters.
- Q What are their names? A Ann Peeples, her husband's name is Henry.
- Q Has she any children? A Yes nine.
- Q Are they all under twenty-one years of age? A Not all, one is twenty-three, the oldest one.
- Q What is the name of the oldest one? A Willie Peeples.
- Q He married and got any any children? A Got two children.
- Q Are they other children all under twenty one years of age? A Yes sir.
- Q What is the other sisters name? A Mahela Peeples.
- Q Has she any children? A One.
- Q That under twenty-one? A It aint' but seven months old.
- Q That is all of your family? A Yes sir.
- Q Is there any other statement that you desire to make to the Commission to-day in support of your application? A I don't know of any, I want to ask you, will I have to go back to Meridian?
- Q Not necessarily unless you want to get further evidence and present it to the Commission as I have already stated to you your case as it stands now is just your unsupported statement? A If I write back will that do.
- Q The Commission would prefer to have witnesses come before it in person. As I have explained to you you are asking for valuable property rights and you must bring proof before the Commission that you are a Mississippi Choctaw and entitled to share in these lands? A There are none here, they are all back in Mississippi.
- Q Then you have no further statement that you desire to make at this time? A No sir.

This applicant has the appearance and features of a person descended from African parents and is possibly possessed of a small quantum of white blood. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 14th 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 14 day of December 1901.

*[Signature]*

Commissioner.



COPY.

M.C.R. 4365.

Muskogee, Indian Territory October 14, 1902.

Rebecca Hoskins,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Maria Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

|                           |              |
|---------------------------|--------------|
| Maria Scott, et al.,      | M.C.R. 4777  |
| Sophronia Holmes, et al., | M.C.R. 4765  |
| Ann Peoples, et al.,      | M.C.R. 4626  |
| Mahala Poe, et al.,       | M.C.R. 4327  |
| Rebecca Hoskins, et al.,  | M.C.R. 4365  |
| Eliza Pittman, et al.,    | M.C.R. 4625. |

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said Decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Maria Scott, Yancey Harrison, Sophronia Holmes, Lillie Holmes,



R. H. -2

Maria Holmes, Julia Holmes, Richard Holmes, Robert Holmes, Sammy Holmes, Ann Peeples, George Peeples, Lera Peeples, Carney Peeples, Noah Peeples, Emma Peeples, Frank Peeples, Dewey Peeples, Govie Peeples, Mahala Poe, General Poe, Freddie Poe, Rebecca Hoskins, Alonzo Hoskins, Eliza Pittman, Nancy Pittman, Alice Pittman, Helon Pittman, and Jefferson Lott, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*T. D. Hodges*  
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, December 5, 1902.

Rebecca Hoskins,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Maria Scott, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 12, 1906.

L. W. Mead,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 25, 1905, by reference from the Secretary of the Interior. Therein you request that the rights of Rebecca Hoskins as a Mississippi Choctaw be further considered.

In reply you are informed that the Mississippi Choctaw case of Rebecca Hoskins is closed; the Secretary of the Interior on November 21, 1902, having approved the decision of the Commission to the Five Civilized Tribes of October 14, 1902, adverse to the applicant.

This office has no authority to receive or consider any further evidence in support of the application in question.

Respectfully,

Commissioner.

Date DEC 14 1901

Name Rebecca Hopkins

Age 35 Blood  $\frac{1}{4}$

Post Office, Muskogee C.T.

Father: Tom Poe

Mother: Jennie Poe Dead  
nee Peoples

Claims through mother  
Husband

Morace Hopkins ✓  
Algo & don't know  
no claim for her

claim for self & child

Children:

Algo & ~~Poe~~ Hopkins 14

Stenographer G. Rosenwinkel

Choctaw MCR 4366

Thomas B. Gardner

See MCR 3655

MCR 4366

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. December 16, 1901.

4366

In the matter of the application for identification as Mississippi Choctaws of Thomas Bryan Gardner for himself and his six minor children Thomas Guy, Jennie Ross, Oocela Lee, Mary Kendall, James Daniel and William Adison Gardner.

Applicant not represented by attorney.

Thomas Bryan Gardner being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Thomas Bryan Gardner.  
Q How old are you? A Fifty years old the 19th of last month.  
Q How much Choctaw blood do you claim to be possessed of? A I have not got that figured out exactly. My grandmother was one-half and would make me what,--one-eighth?  
Q You claim one-eighth then? A Yes, I don't hardly know what that would make.  
Q You say your grandmother was one-half? A That has always been my understanding.  
Q How much did your mother have? A None/  
Q Your father had how much? A One-quarter.  
Q Your mother was a white woman? A Yes.  
Q That would make you one-eighth would it? A Yes sir.  
Q What is your post-office address? A Waco, Texas.  
Q How long have you lived in Waco Texas? A Two years next February  
Q Where did you live before you lived in Waco? A I have been in Texas since seventy-seven.  
Q Where were you born? A In Monticello, Arkansas.  
Q Ever live in Mississippi? A No sir.  
Q Ever live in the Indian Territory? A No sir.  
Q Always lived in Arkansas and Texas? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A William Gardner.  
Q How old would your father be if he were living now? A He was born June 1827 that would throw him about seventy-three.  
Q Where was your father born? A In Mississippi.  
Q Where was he living at the time of his death? A Warren, Bradley County, Arkansas.  
Q Is your mother living? A No sir.  
Q What was her name? A Tobitha Gardner. She was a Burkett.  
Q Through which one of your parents do you claim Choctaw blood? A on my father's side.  
Q Were your father and mother legally married? A Yes sir.  
Q When and where were they married? A In Drew County Arkansas in Forty eight.  
Q Were they married under a marriage license? A I could not tell you positively.  
Q By a minister or official? A Minister.  
Q Have you any evidence of their marriage? A No sir.

It will be necessary for you to furnish the Commission with evidence of the marriage of your father and mother in the shape of the original marriage license and certificate or certified copies of the same.

- Q Are you married? A Yes sir.  
 Q What is the name of your wife? A This is my second wife.  
 Q Give me the name of your first wife? A Alis, A-l-i-s Goward, G-o-w-a-r-d.  
 Q When did she die? A On the 12th day of May ninety-two.  
 Q Did she make any claim of being possessed of Indian blood? A Not a bit.  
 Q Was she a white woman? A Yes sir.  
 Q What is the name of your second wife? A Sallie B. Kendall, Sallie Bell was her name.  
 Q Is she living? A Yes sir.  
 Q Does she make any claim to Indian blood? A No sir.  
 Q Do you make any claim for her? A No sir only the child.  
 Q When and where were you married to your first wife Alis Goward? A At Warren Arkansas, the 14th of September 1876.  
 Q Under a marriage license? A Yes sir.  
 Q By a minister or official? A Minister.  
 Q Have you evidence of the marriage to your first wife? A Not with me.

It will be necessary that you furnish the Commission with evidence of this marriage, either the original marriage license and certificate and certified copies of the same.

- Q When and where were you married to your second wife Sallie B. Kendall? A The 26th day of December 1888 at the Deaf and Dumb school at Austin, Texas.  
 Q Under a marriage license? A Yes sir.  
 Q By a minister or official? A Minister.  
 Q Have you evidence of this marriage? A Not with me but at home.

It will be necessary that you furnish the Commission with proper evidence of this marriage.

- Q Have you any children under twenty one years of age? A Yes I have six.  
 Q Will you give the names and ages of these children? A Thomas Guy, G-u-y.  
 Q How old is he? A He is sixteen years old. That is the only one I have by my wife that is dead.  
 Q Now give me the names of your other children? A Jennie Ross.  
 Q How old is she? A Twelve years old, past.  
 Q The next? A Occola Lee.  
 Q How old? A She is ten years old.  
 Q The next? A Mary Kendall.  
 Q How old? A She is seven years old, not quite seven.  
 Q The next? A James Daniel he is four past.  
 Q The next? A Is William Addison.  
 Q How old? A He is past two.  
 Q Are these children living with you? A Yes sir.  
 Q They are the children of Alis Goward and Sallie Bell Kendall? A Yes sir.  
 Q Then this application is for yourself and your six minor children? Yes sir.  
 Q Is your name or are the names of your children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Why I could not say positively that it is there but I have been told by two or three parties that it is there.

- Q On the rolls of the Choctaw Nation in Indian Territory here?  
A Yes sir.
- Q Whose name is on there? A Gardner and Scarborough.
- Q I asked you if your name was on there? A No sir it is not.
- Q Did you or did any one for you or your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or did any one for you or your minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or your minor children to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir I never.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provisions of the fourteenth article of the treaty of 1830, that is the treaty concluded between the United States government and the Choctaw tribe of Indians in Mississippi on the 27th day of September 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians, September the 27th 1830 and was for the purpose of securing the removal of all the Choctaws from the country then occupied by them in the State of Mississippi and a small portion of the State of Alabama to a new Country west of the Mississippi River. At the time the treaty was made a good many Choctaws in the old Choctaw Nation did not want to come to this new Country west of the Mississippi River but preferred to remain in the old Choctaw Nation in Mississippi and Alabama and for the benefit of this class of Indians the fourteenth article was made a part of the treaty? That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Have you ever read that article? A No sir.
- Q Do you understand it now? A I do now.
- Q What is your understanding of the requirements of that article?  
A The way I understand it now, they had a certain time to comply



and if they failed their claims were forfeited and if they did comply they had a right to the lands and annuities.

The article required that they within six months after the ratification of the treaty, the treaty being ratified on the 24th day of February 1831, that a Choctaw Indian who desired to remain in the old Choctaw Nation in Mississippi or Alabama go before the Indian Agent to the Choctaw tribe and signify his intention to remain in that State and become a citizen and accept benefits under the fourteenth article. After he had signified his intention of remaining he was entitled to one section of land or 640 acres and for each child unmarried and over ten years of age he was entitled to one half section of three hundred and twenty acres of land and one-quarter section for such child as may be under ten years of age; the reservation of the children to adjoin the reservation of the parent and this reservation to include the improvements of the head of the family, that is the improvements the head of the family owned on the 27th day of September 1830. This article also required that a Choctaw

Indian accepting lands under said treaty should reside upon said lands for five years after the ratification of said treaty after which time he was entitled to a deed or patent to his land and could dispose of it at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that a Choctaw Indian who went before the Indian Agent within six months after the ratification of this treaty and complied with all these provisions of this fourteenth article that if he ever removed he would not forfeit his right to citizenship in the Choctaw Nation Indian Territory but that he did lose any right to the Choctaw annuities. Annuities were monies paid to the Choctaw Indians under treaty provisions.

- Q You think you understand that now? A I understand that now.
- Q What is the name of your Choctaw ancestor who complied with the provisions of this fourteenth article of the treaty of 1830? A A I am not able to answer that.
- Q You don't know which one of your ancestors complied with this article? A No sir I do not.
- Q What is the name of your Choctaw ancestor who lived in Mississippi in 1830? A Her name was Scarborough and she married a Gardner.
- Q What was her given name? A I think, I am not positive, her name was Zilla or Zella.
- Q Was she married and the head of a family and did she reside in the old Choctaw Nation in Mississippi or Alabama at the time of the conclusion of this treaty September the 27th 1830? A Yes she was married but I could not say that she was residing there in 1830 but she was the head of a family.
- Q Did any of your Choctaw ancestors reside in Mississippi in 1830 at the time of the conclusion of this treaty? A Yes sir.
- Q Which one was it? A My grandfather.
- Q Do you get Choctaw blood from both your grandfather and grandmother? You say you claim your Choctaw blood from Zilla Scarborough? A Well in 1830 Judge, they resided in Mississippi.
- Q You say you get your Choctaw blood from your father; who did he get his Choctaw blood from? A His mother.
- Q What was her name? A Zilla Scarborough.

- Q Was Zilla Scarborough married and the head of a family and did she reside in the Mississippi in 1830? A Yes sir.
- Q How much Choctaw blood was Zilla Scarborough possessed of? A She claimed one-half Judge.
- Q Did Zilla Scarborough comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A I could not answer that intelligently.
- Q Did she within six months after the ratification of the treaty go before the Indian Agent in Mississippi and tell him that she wanted to stay and become a citizen of the State of Mississippi and take land as a beneficiary under this fourteenth article? A I could not answer that.
- Q Was Zilla Scarborough, your Choctaw ancestor through whom you claim, a recognized member of the Choctaw tribe of Indians in Mississippi or Alabama in 1830? A That has been my understanding from personal history.
- Q Did this Choctaw ancestor of yours own any improvements at the time this treaty was made in Mississippi? A Yes sir.
- Q They did own improvements? A Yes that has been my understanding.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory with the Choctaw Indians when they emigrated to this new Choctaw Nation Indian Territory? A Why my understanding was that her people did.
- Q Did Zilla Scarborough herself come to the Indian Territory? A No she did not.
- Q Were you personally acquainted with your grandmother? A Yes sir.
- Q Did she speak or understand the Choctaw language? A She knew it but did not talk it.
- Q Is your grandmother living? A No sir.
- Q Where did she die? A She died at Star City, Arkansas.
- Q You know where she was born? A In Mississippi.
- Q How old was she when she died? A Judge I could not tell you she was getting along up in the seventies or sixties though.
- Q Do you know what year she died? A She died in sixty-seven.
- Q Then she was over seventy-years of age when she died? A She was right at seventy I think.
- Q Do you know when and where your grandmother was married to your grandfather? A No sir I could not say. I made a mistake there in the time it was sixty-nine.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of 1830? A Not as I know of Judge.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi to register the names of all those Choctaws who desired to remain in Mississippi and become citizens of that State. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who really did appear before him and signify to him their intention of remaining in Mississippi and becoming citizens of that State and taking advantage of the provisions of article fourteen of this treaty. On this account in many instances the land upon which the Indians had improvements was sold by the government at public land sales and the Choctaws were deprived of their land. This action of the government caused a great many complaints and Congress in 1837 appointed a Commission to go to Mississippi and investigate these claims and find out which of these Indians were entitled to land there under article fourteen. In 1842 another Commission was appointed for a similar purpose. These Commissions investigated a number of claims and if the land which the Indians claimed had not been sold by the government the Indians were put in

possession of it. If the land had been sold they were given scrip under which they could locate on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your Choctaw ancestors ever go before either of these Commissions and attempt to establish their claims to lands under the provisions of the fourteenth article? A Not that I have any knowledge of.
- Q Did any of your Choctaw ancestors own any land in Mississippi, Arkansas, Louisiana or Alabama? A My grandfather owned a place in Arkansas.
- Q How did he come into possession of that land? A I don't know.
- Q Have you ever had the records examined in Arkansas to find out how he got it? A I never have.
- Q Did any of your Choctaw ancestors ever receive any scrip do you know? A No sir I don't know.
- Q So far as you know did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.
- Q Do you know of the existence of any documentary evidence that would tend to show compliance on the part of your ancestors with the provisions of the fourteenth article of the treaty of 1830? A No sir.
- Q By documentary evidence I mean deeds or patents or any documentary evidence of any kind? A I might be able to find out by having the records examined.
- Q You understand that you are applying for valuable property rights and that your unsupported statement will carry very little weight? A Yes sir.
- Q Do you know of any witnesses living who could come before the Commission and testify as to the quantum of Indian blood possessed by you and as to your descent from Zilla Scarborough? A I think I do.
- Q Can you bring that witness before the Commission to testify? A Yes sir I will try my best.
- Q What is the name of that witness.  
? A I could not tell you now there are two of them.
- Q Have you any papers or documentary evidence of any kind that you want to file with the Commission in support of your claim at this time? A No sir.
- Q Have you any witnesses that you desire to present to the Commission at this time in support of your application? A Not to day.
- Q Is there any further statement that you desire to make at this time? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has brown hair, dark gray eyes, fair complexion, features and appearance of a white person. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

- Q What are the names of your children who are married and over the age of twenty-one? A The boy is Claude Bryan Gardner.
- Q Is he married? A No sir.
- Q What is his age? A Twenty-four.
- Q What is the name of your next child? A Alice Noel.
- Q What is her husband's name? A John Montgomery Noel.
- Q Is he a white man? A Yes sir.
- Q Have they any children? A Yes one.
- Q What is the name of that child? A James Bryan.

- Q That is all of your family? A Yes sir.
- Q Have any of these children of yours ever made application for identification as Mississippi Choctaws? A No sir.
- Q Have any of the other of the descendants of Zilla Scarborough appeared before this Commission for identification as Mississippi Choctaws? A My brother.
- Q What is his name? A Harrison Stanley Gardner.
- Q Does Harrison Stanley Gardner derive his Choctaw blood from the same source that you do? A He ought to Yes sir.
- Q Are there any other members of your family who have made application? A Not that I know of.
- Q Have you any brothers or sisters living? A Yes sir.
- Q What are their names? A Oceola Mills, she resides in the State of California.
- Q Has she ever been before this Commission and applied for identification as a Mississippi Choctaw? A No sir.
- Q Has she any children? A She has two.
- Q What are their names? A She has been married twice. Her first child is Idyll Robinson.
- Q What is the name of the other child? A Howard Mills.
- Q Is that all of the families of your brother's and sister's? A I have a brother that may possibly be living but I think he is dead.
- Q What is his name? A William Gardner. Now Judge this Idyll Robinson my sister's daughter, she goes by the name of Mills now.
- Q Do you know where your brother William Gardner resides? A The last account that I had of him he was in Chicago but I am confident that he is dead.
- Q Is he married? A No sir.
- Q How old do you think he would be? A He would be about forty seven years old.
- Q You say he never married? A No sir not that I know anything about, I have not seen him in thirteen or fourteen or fifteen years.
- Q The names that you have given are all the descendants of Zilla Scarborough that you know of? A No sir not descendants of Zilla Scarborough, she has two daughters living.
- Q What are their names? A Myra Handley and Martha Wilson, they are both widows.
- Q Where do they reside? A I can't tell you what their post-office address is but they are in Drew County Arkansas.
- Q Have they ever ben before the Commission and made application for identification as Mississippi Choctaws? A Not that I know of.
- Q Have they children living? A Myra Handley has children, Martha Wilson never had any.
- Q You know the names of these children? A Her son John Handley Jr, lived in Houston Texas, Mattie Dyer lives in Salt Lake City Utah, and William Handley he is somewhere in this Territory but I could not tell you where, he is a red-headed man. Melvin Handley lives with his mother at home and Chisthophus or Chris they call him lives with his mother and Ruth lives in Warren Arkansas.
- Q Is Ruth married or single? A Nos ir she is siggle and there is none of the boys married except John S. that I know of.
- Q Has he any children? A I could not tell you.
- Q So far as you know none of these persons have ever been before the Commission and claimed rights as Mississippi Choctaws? A No sir, now, Judge, there are some more of the Gardners but their father and mother are both dead.
- Q Do they claim their Choctaw blood through Zilla Scarborough? Yes.

- Q What are their names? A Benjamin Franklin Gardner.
- Q Is he married? A He is married but I can't tell you how much of a family he has.
- Q What is the name of the other Gardner? A William Shelby Gardner.
- Q Has he a family? A No sir not that I know of, now Mattie Moran her home is in Jack County, now there is one more girl Mollie Sue, she lives at Warren Arkansas.
- Q Have any of these people ever ben before the Commission? A not that I know of.
- Q Any other relatives? A Yes sir there is Thomas B. Gardner my cousin his father was John Gardner he is the only child that I have any knowledge of that is alive of that family. He is about my age.
- Q That is all? A Yes sir.
- Q Any other statement you desire to make now in support of your application? A I will say, if this will be considered a statement I will try to do the best I can to get evidence?
- Q I have stated to you that the only evidence before the Commission now is your unsupported statement and you are making claim to valuable property rights.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 16th 1901, and the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 17th day of December 1901.

*[Signature]*

Commissioner.

COPY.

Muskogee, Indian Territory, August 29, 1902.

Thomas B. Gardner,

Waco, Texas.

Dear Sir:-

You are hereby advised that on the 29th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Harrison Stanley Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Harrison Stanley Gardner, et al., M.C.R.3685;  
Thomas Bryan Gardner, et al., M.C.R.4366.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harrison Stanley Gardner, Elmera Gardner, Maggie T. Gardner, Harrison S. Gardner, Jr., Lewis Gardner, Thomas Bryan Gardner, Thomas Guy Gardner, Jennie Ross Gardner, Oecela Lee Gardner, Mary Kendall Gardner, James Daniel Gardner and William Addison Gardner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the

T. A. C., S.

treaty of 1850, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the reports in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*James Bixby.*

Acting Chairman.

Registered.



copy.  
M.C.R. 4366

Muskogee, Indian Territory October 20, 1902.

Thomas B. Gardner,  
Waco, Texas.

Dear Sir:-

You are hereby advised that on the 11th day of October 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Harrison Stanley Gardner, et al., of which decision you were advised by registered mail on 29th day of August, 1902.

Respectfully,

*Tamo Diney,*  
Acting Chairman.



For Identification as a Mississippi Choctaw.

DEC 16 1911

Date

~~DEC 14 1911~~

GAYNER

Name Thomas B. Gardner

Age

50

Blood

1/8

Post Office, Waco Texas

Father: William Gardner Dead

Mother: Jobika Gardner Dead

Claims through

wife <sup>Alis</sup> ~~Alis~~ Caward Dead2<sup>d</sup> Sallie B. Kendall

NO claim for wife

Claims for 16 children

Children:

mother: Alis Caward

Thomas Guy Gardner 16

mother: Sallie Gardner

Jennie Ross Gardner 12

Oceola Lee " 10

Mary Kendall " 7

James Daniel " 4

William Addison " 2

Stenographer

G. H. Rosenthal

Choctaw MCR 4367

Dollie Harper

MCR 4367

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Dollie Har-  
per, et al., for identification as Mississippi Choctaws, M. C. R.  
4367.

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Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. December 16, 1901.

4367

In the matter of the application for identification as Mississippi Choctaws of Dollie Harper for herself and her three minor children Dollie, Lula and Silas Harper.

Applicant not represented by attorney.

Dollie Harper being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Dollie Harper.  
Q How old are you? A Fifty-two.  
Q How much Choctaw blood do you claim to be possessed of? A My grandmother was a full blood.  
Q How much did your mother have or your father; who do you claim from? A Grandmother was a full blood.  
Q She was a full blood? A Yes sir.  
Q Do you get your Choctaw blood from your father or mother? A My father was part Choctaw.  
Q How much Choctaw blood did your father have? A I think he must have been part white folks.  
Q I want to know how much Choctaw blood you claim; now; how much Choctaw blood was your father possessed of? A One-fourth I believe.  
Q What was the other three-fourths? A Three fourths I think.  
Q What was your father? A He must have been part white and part Choctaw. His mother was a full Choctaw.  
Q Did you ever see your father? A Yes many times.  
Q What did he look like? A He was a bright man.  
Q What was he? A He was white I think.  
Q Did he have any negro blood? A No sir I don't think so.  
Q Then your father was about one-half Choctaw? A Yes sir.  
Q What was your mother? A She was mixed.  
Q Mixed with what? A Choctaw but not as much as him.  
Q What was the other part of your mother's blood? A Her father was a colored man.  
Q What kind of blood do you claim to have? A Choctaw blood.  
Q And what? A My mother was a Choctaw and he was.  
Q You are not a full blood Choctaw? A No sir.  
Q Well what other blood have you? A White and Choctaw.  
Q You have no negro blood? A Mighty little.  
Q What is your post-office address? A Magnolia.  
Q What State? A Arkansas. there/  
Q How long have you lived there? A I've been about thirty-one years.  
Q Where were you born? A In Georgia.  
Q Did you ever live in Mississippi? A I don't recollect living there, my father lived in Mississippi and his mother.  
Q You were born in Georgia? A Yes sir.  
Q And moved from there to Arkansas? A Yes sir.  
Q Never lived anywhere except Georgia and Arkansas? A Georgia and Arkansas.  
Q Is your father living? A No sir.  
Q What was his name? A Jacob.  
Q Jacob what? A His father was a Sheffield, Burton was his last

- Q How old would Jacob Burton be if he were living? A He would be ninety, he died when he was seventy-nine years old.
- Q Is your mother living? A No sir.
- Q What is your mother's name? A Her name was Betsy.
- Q Betsy Burton? A Yes sir.
- Q How old would Betsy Burton be if she were living now? A She was fifty-seven when she died, she would be about sixty-seven or eight. She has been dead nineteen years.
- Q Through which parent do you claim your Choctaw blood? A My father.
- Q When and where were your father and mother married? A In Alabama or Mississippi one I don't know I was small then.
- Q Were they legally married; did they have a license? A Yes he had licenses.
- Q Were they married by a minister? A I think they were.
- Q You know what year they were married? A No sir I do not.
- Q You say they were married in Alabama or Mississippi? A Somewhere there.
- Q You were born in Georgia? A Yes sir.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of your father and mother; that is you must either file with the Commission the marriage license and certificate under which they were married or a certified copy of the same to show the Commission in some way that they were married legally.

- Q Where did Jacob Burton die? A In Arkansas, Columbia County.
- Q Do you know whether he ever lived in Mississippi or Alabama? A That is where he was raised.
- Q You know when he lived there? A I think eighteen hundred and thirty.
- Q How old was he in eighteen hundred and thirty? A I don't know how old he was then, if he had lived, he was seventy-eight years old, he died, he would be ninety now.
- Q He was born about eighteen hundred and eleven? A Yes sir.
- Q Are you married? A No sir I am a widow.
- Q What was the name of your husband? A Rufus Harper.
- Q What Race was he? A Well I guess he was a colored man.
- Q Full blood negro then was he? A His grandmother was part Indian he said but I don't know anything about that.
- Q Have you any children under twenty-one years of age and unmarried for whom you desire to make application at this time? A Yes Dollie Harper.
- Q How old is Dollie? A Twenty.
- Q Next? A Luxa, eighteen and a boy seventeen.
- Q What is the name of the boy? A Silas.
- Q Then this application which you are making is for yourself and your three minor children? A Yes but I have four more.
- Q Are they over age? A Yes sir.
- Q Well they will have to make application for themselves? A Yes sir.
- Q Then you claim for yourself and your three children? A Yes sir.
- Q Is the name of your father Jacob Burton to be found on any of the rolls of the Choctaw tribe of Indians in Indian Territory? A I don't know sir.
- Q Was Jacob Burton ever recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A Not as I know of.
- Q Is your name or the names of your children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir not at all.

- Q Did you or did anyone for you or your minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or did any one for you or your minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you come before the Commission at this time for the purpose of claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty concluded September 27th 1830 between the United States government and the Choctaw tribe of Indians at Dancing Rabbit Creek in Mississippi? A Yes sir.

This treaty was entered into between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh of September 1830. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them in Mississippi and Alabama to a new Country west of the Mississippi River. At the time the treaty was made some of the Choctaws were unwilling to remove to this new Country but preferred to remain in Mississippi and Alabama and for the benefit of this class of Indians article fourteen was made a part of the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and become a citizen of the State and receive land from the government under its provisions, he should within six months from the ratification of the treaty, signify his intention to the Agent in Mississippi that he intended to do so. Now this treaty was ratified the 24th day of February 1831 and after a Choctaw had signified his intention of remaining in the State he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family over ten years of age he was entitled to one half section of three hundred and twenty

acres of land and for each child under ten years of age one-quarter section or one hundred and sixty acres; the reservation of the children to adjoin the reservation of the parents and that reservation to include the improvements owned by the head of the family at the time the treaty was entered into, September twenty seventh, eighteen hundred and thirty; this article also required that in case a Choctaw Indian had signified his intention of remaining and wanting to accept lands under its provisions, he had to reside upon this land for five years after which time the government would give him a title in fee simple and he could then dispose of the land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw preferred to remain in Mississippi and become a citizen of that state and have land under article fourteen he should not by so doing forfeit his right to citizenship in the Choctaw Nation Indian Territory but that he would forfeit his rights to the Choctaw annuities. Annuities were monies paid the Choctaws under treaty provisions.

- Q Do you think you understand that treaty as explained to you? A I don't understand it all.
- Q What part do you not understand? A You mean that they lost their to claim in the Indian Territory?
- Qx I mean that those Choctaw Indians who stayed in Mississippi and complied with the provisions of this article did not forfeit their rights to citizenship in the Indian Territory but they did lose any right to share in the payments of money, money that the government paid them under treaty provisions? A Yes sir.
- Q What is the name of your ancestor that lived in Mississippi at the time this treaty was made? A I don't know but I can find out.
- Q Well you ought to know now; you claim as a Mississippi Choctaw? A Yes I sure is one.
- Q What is the name of your Choctaw ancestor who lived in Mississippi in 1830 at the time this treaty was made? A I cannot read I do not know.
- Q It is not a question of reading; who did Jacob Burton get his Choctaw blood from? A His mother.
- Q What was her name? A Phillis.
- Q Phillis what? A Phillis Sheffield.
- Q Was Phillis Sheffield a Choctaw Indian? A Yes sir.
- Q Have any other blood? A No sir full blood Choctaw.
- Q Did Jacob Burton have any other blood besides Choctaw? A He had white folks.
- Q Were any of your kin-folks ever slaves? A I don't know sir. I have got a heap of kin-people but my father was never a slave.
- Q Was your father a slave? A He was a guardian.
- Q What is that? A They never was sold.
- Q Did any one ever own your father? A Not as I know of.
- Q Was you ever a slave? A Yes I was.
- Q How did you come to be a slave? A By my mother.
- Q Were you born a slave? A I guess so my mother was.
- Q Answer the question, were you ever a slave that you know of, you know that? A Yes sir.
- Q And your mother was too? A Yessir.
- Q Was your father a slave? A No sir.
- Q Was Jacob Burton a slave? A Yes I think he was.

- Q Then your father and mother were slaves? A Yes sir they were slaves.
- Q Was Phillis Sheffield a recognized member of the Choctaw tribe of Indians in 1830 and did she reside in Mississippi at the time this treaty was made? A Yes sir.
- Q Did she? A Yessir.
- Q Was she married and the head of a family in 1830 at the time this treaty was made? A Yes sir.
- Q How do you know that she was recognized as a member of the Choctaw tribe of Indians in Mississippi? A My father always said so.
- Q Have you any proof that she was a recognized member of the Choctaw tribe of Indians at that time? A I guess I can get up some.
- Q What kind of proof do you expect to get up? A People that know my father.
- Q Where did Phillis Sheffield die? A I think in Mississippi.
- Q Did you ever see her? A No sir my father said that that was where she died?
- Q What are the names of these witnesses that you expect to make this proof by? A David Hays.
- Q Where does he live? A He lives in Columbia County.
- Q Arkansas? A Yes sir.
- Q Do you expect to bring him before the Commission to testify about case? A Yes sir I can do it/
- Q Did any of your Choctaw ancestors own any improvements in the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A Not as I know of.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi or Alabama and go to the New Choctaw Nation Indian Territory between the years 1833 and 1838 when the Choctaws moved to the New Indian Territory? A Not as I know of.
- Q Do you know of any of your Choctaw ancestors within six months after February 24th 1831 going before the Indian Agent in Mississippi and signifying their intention of remaining in Mississippi and taking land under the fourteenth article? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any land from the United States government under the provisions of article fourteen of the treaty of 1830? A Not as I know of.

In accordance with the provisions of the fourteenth article the government directed an Indian Agent in Mississippi to register the names of all the Choctaws who might desire to remain in Mississippi in the old Choctaw Nation and become citizens of the State and who wanted to take land under this fourteenth article. The records of the government show that this agent failed to record the names of a great many Choctaws who really did signify to him their intention of staying in the State and taking land under this article, and, on this account in many instances the land upon which the Indians had improvements and which they desired to have reserved for them under this article was sold by the government at the public land sales. This action of the government caused a great many complaints on the part of the Choctaws and finally the matter was brought to the attention of Congress and Congress by various acts appointed Commissions to go to the State of Mississippi and investigate these claims. These Commissions investigated a number of claims and of the claims allowed by them after they had been approved by the Secretary of War and by the President if the land had not been sold the Indians were put in possession of it. If the land had been sold they were given scrip under which they could locate land on any of the public lands in the States of Mississippi, Alabama, Arkansas, and Louisiana.



- Q Now did any of your ancestors appear before any of these Commissions and attempt to establish rights as Choctaw Indians under the fourteenth article of the treaty of eighteen hundred and thirty? A Not as I know of.
- Q Did any of your Choctaw ancestors ever own any land in Mississippi Arkansas, Louisiana or Alabama? A Not as I know of. My father owned some in Arkansas.
- Q How did he get it? A He bought it.
- Q We never got any from the United States government? A No sir.
- Q Did any of your Choctaw ancestors ever receive any scrip from these Commissions, that was given to them for land by reason of it having been sold by the United States government? A No sir never received nothing.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A No sir never did.
- Q Do you know of the existence of any documentary evidence, such as deeds or patents to lands that would tend to show that any of your ancestors ever received any land from the United States government as Choctaw Indians? A No sir never.
- Q Do you know of any witnesses living that could could before this Commission and testify that your ancestors ever received lands as Choctaw Indians? A No sir; you mean that we ever received anything.
- Q Yes? A No sir we never did.
- Q You desire to offer any written evidence in support of your case at this time, that is have you any papers that you want to file? A I would like to file them.
- Q Have you any with you? A No but I can get some, tell me what sort to get.
- Q I asked if if you had any now that you want to file? A No sir I have none with me.
- Q You testified that you did not know of the existence of any papers that would show that your ancestors ever complied with the provisions of this treaty. Now do you know of the existence of any papers that would tend to show whether any of your ancestors complied with the provisions of this article? A No sir I have none.
- Q You don't know of any anywhere do you? A No sir I do not.
- Q Is there any further statement that you want to make in support of your application at this time? A Well I would like to know if there is any use,--Yes I know I have applied and I want to see if I can get on the rolls.
- Q You know you are claiming valuable property rights and you have nothing to support your claim except your own statement. Don't you know that your own unsupported Statement will carry very little weight and that your case should be supported by evidence of some kind? A I think I would do that by evidence.
- Q Will you bring witnesses before the Commission? A Yes sir.
- Q You want time in which to bring witnesses before the Commission? Yes sir.

A reasonable time will be granted you.

- Q Do you speak or understand the Choctaw language? A No sir not much.
- Q Do you speak it at all? A I don't know whether I can or not. People that know me say I do.
- Q You claim then that you can speak Choctaw? A No sir I don't know that I can to tell the truth, my father could talk it.

This applicant has black kinky hair, and has the features and appearance of a person descended of African parents, there is a possible trace of white blood. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 15th 1901 and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of December 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 31 day of December 1901.

A large, stylized signature, likely of the Commissioner, written in dark ink over a horizontal line.

Commissioner.

J. W. L.  
C. W. L.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Bellie Harper, et al.,  
for identification as Mississippi Choctaws, M. C. R. 4367.

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----- D E C I S I O N -----

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It appears from the record herein that an application for  
identification as Mississippi Choctaws was made to this Commission by  
Bellie Harper for herself and her three minor children, Bellie, Lula  
and Silas Harper, under the following provision of the act of Con-  
gress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-sev-  
enth, eighteen hundred and thirty, and to that end may admin-  
ister oaths, examine witnesses and perform all other acts nec-  
essary thereto and make report to the Secretary of the Inter-  
ior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Phillis Sheffield, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and Betsey Benton, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Phillis Sheffield or Betsey Benton, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress ap-

proved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dollie Harper, Dollie Harper (2), Lula Harper and Silas Harper as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) James Timby.  
Acting Chairman.

(SIGNED) T. B. Needles.  
Commissioner.

(SIGNED) C. R. Brockinridge.  
Commissioner.

Waskagee, Indian Territory,

OCT -6 1902

Muskogee, Indian Territory, October 6, 1902.

Dollie Harper,

Magnolia, Arkansas.

Dear Madam:

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Dollie Harper et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision-concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dollie Harper, Dollie Harper (2), Lula Harper and Silas Harper as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

D H 2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, October 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Dellie Harper et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dellie Harper, Dellie Harper (2), Lula Harper and Silas Harper as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."



M M&C 2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Respectfully,

Acting Chairman.

M C R 4367

Muskegee, Indian Territory, October 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Dollie Harper et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 6, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 inclosure.

C O P Y .

Land  
60360-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, Nov. 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made October 6, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Dollie Harper for the identification of herself and her three minor children, Dollie, Eula and Silas, as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the treaty of September 27, 1830.

October 6, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed through Jacob Burten, Dollie Harper's father, to her grandmother, Phyllis Sheffield.

The applicants are not full-blood Choctaw Indians. A careful search of the records of this office fails to show that either Jacob Burten or Phyllis Sheffield received a patent to land under the provisions of the fourteenth article of the treaty of 1830, or complied or attempted to comply with the provisions of that article; neither is it shown that they applied to the commissions

appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of any rights they may have had as Choctaw Indians.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications, be affirmed.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

W.A.J.  
D

3 inclosures.

D.C. 22327-1902

DEPARTMENT OF THE INTERIOR,  
Washington.

ITD. 6954-1902  
IRS.

EAF  
November 18, 1902.

Commission to the Five Civilized Tribes,  
Muskegee, I. T.

Gentlemen:

October 6, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Dollie Harper and her minor children, Dollie, Lula and Silas Harper.

The applicants claim to be descendants of one Phillis Sheffield, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830, and Betsy Benton, who is alleged to have been possessed of some Choctaw blood.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Phillis Sheffield or said Betsy Benton complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application October 6, 1902.

Forwarding the papers November 7, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

DE 480

The Department has carefully considered the whole record  
in the case and hereby affirms your decision.

Respectfully,

THOS. HYAN

Acting Secretary.

3 inclosures.

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Muskogee, Indian Territory, November 26, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Dollie Harper, et al., of which decision you were duly advised by mail on the 8th day of October, 1902.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 4367

Muskogee, Indian Territory, November 26, 1902.

Dollie Harper,

Magnolia, Arkansas.

Dear Madam:

You are hereby advised that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Dollie Harper, et al., of which decision you were duly advised by registered mail on the 6th day of October, 1902.

Respectfully,

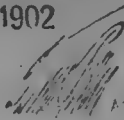
Acting Chairman.



4367

GENERAL SUPERVISOR,  
SPECIALIZED TRIBES  
BUREAU OF INDIAN AFFAIRS

NOV 13 1902



ACTING CHAIRMAN

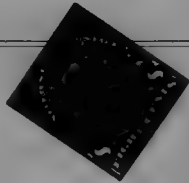


RECORDED  
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*Melamed*

*Returned to Sender  
Mar 17/1902*

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101*



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Sollie Harper  
Magnolia*

*Ark.*

*2191  
1525*

For Identification as a Mississippi Choctaw.

Date DEC 16 1901

Name *Rollie Harper*

Age 52 Blood Dont know

Post Office, *Magnolia Ark*Father: *Jacob Burton* *Dead*Mother: *Petry Burton* *Dead*Claims through *father**Harbald* *Rufus Harper* *Dead*

Claims for self &amp; 3 children

Children:

*Rollie Harper* 20*Lula Harper* 18*Lila Harper* 17*G. Rosenwald*

Choctaw MCR 4368

Simpson Jim

MCR 4368

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Simpson Jim, et al.,  
for identification as Mississippi Choctaws, M.C.R.4368.

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I N D E X .

|  |           |
|--|-----------|
| Original application of Simpson Jim,<br>et al., before the Dawes Commission for<br>identification as Mississippi Choctaws,.....    | page<br>1 |
| Decision of the Commission granting the<br>application of Simpson Jim, et al., for<br>identification as Mississippi Choctaws,..... | 8         |

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 10, 1901.

4368.

In the matter of the application of Simpson Jim for the identification of himself, his wife, Eliza, and children, Robert, Egburt, Tessie, Clemmon, and Evan, as Mississippi Choctaws.

Simpson Jim, having been first duly sworn, upon his oath testified, as follows:

Examination by the Commission.

- Q What is your name? A Simpson Jim.  
Q How old are you? A Fifty.  
✓ Q How much Choctaw blood have you? A Full blood.  
Q What is your post office address? A Carthage, Mississippi.  
Q How long have you lived in Leake County? A Born and raised here.  
Q Lived here all your life then? A Yes, sir.  
✓ Q Is your father living? A Dead.  
Q Have you a Choctaw name? A No.  
Q Did your father have a Choctaw name? A If he has I don't know it.  
✓ Q What was his English name? A Jim  
Q Is that all? A Yes.  
Q Just Jim? A Yes, Little Jim; they called him Little Jim.  
✓ Q Your father was a full blood, was he? A Yes.  
Q Where did he live? A Leake County.  
Q Lived here all his life? A Yes, sir.  
Q How old would he be if he were living now? A About ninety.  
Q How long has he been dead? A About eight years.  
Q Do you know the name of his father or his mother? A I don't know.  
Q Do you know - did you ever hear of your father ever having been in Indian Territory? A Yes, he was out there once.  
Q When was he there? A Been long time, about fifty years ago.  
Q Was he there before you were born or after? A Before I was born.  
Q How long did he stay there? A I don't know.  
Q Did he get any money when he was out there? A No.  
Q Is your mother living? A Dead.  
✓ Q What was her name? A Betsey.  
Q Did she have a Choctaw name? A I don't know.  
Q How long has she been dead? A About ten years.  
✓ Q Was she a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes.  
Q Was she as old as your father, or younger than he? A About the same age.  
Q Do you know the name of her father or her mother? A I don't know either one of them.  
Q Then, you don't know the name of any one of your ancestors further back than your father and your mother? A I don't know.  
✓ Q Are you married? A Yes.  
✓ Q Wife living? A Yes.  
✓ Q What is her name? A Eliza.  
Q Are you living with her at this time? A Yes, sir.  
Q Were you married to her under a license, or according to the Choctaw custom? A Choctaw custom.

Simpson Jim, et al., 2.

- Q Have you ever been married more than once? A No.  
Q Has she ever been married more than once? A No.  
✓Q How much Choctaw blood has your wife? A Full blood.  
Q How old is she? A About forty five.  
Q Do you want to make application for her too? A Yes.  
✓Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A Yes.  
Q How many? A Five.  
Q What are their names? A Robert.  
Q How old is he? A Fifteen.  
Q The next one? A Egburt.  
Q How old? A Thirteen.  
Q The next one? A Tessie.  
Q How old is she? A Ten.  
Q The next one? A Clemmon, about seven.  
Q The next one? A Evan, five years old.  
Q That all of your children under twenty one? A Yes.  
Q These children all living with you at this time? A Yes.  
✓Q Are they all the children of yourself and Eliza Jim? A Yes.  
Q Has Eliza always lived in the State of Mississippi? A Yes.  
✓Q Is her father living? A Yes.  
✓Q What is his name? A Solomon York.  
✓Q Full blood Choctaw, is he? A Yes.  
Q Has he a Choctaw name? A Yes.  
✓Q What is it? A Tuck-a-lan-bee.  
Q Has he always lived in Mississippi? A Yes.  
Q Do you know the name of his father or his mother? A I don't know.  
Q About how old a man is Solomon? A About eighty.  
✓Q Is your wife's mother living? A Dead.  
Q What was her name? A I don't know.  
✓Q Did you ever hear that it was Martha? A Yes, I reckon so.  
✓Q Is she a full blood Choctaw? A Yes.  
Q Did you ever see her? A Yes.  
Q Did she always live in Mississippi? A Yes.  
Q Was she ever in Indian Territory to your knowledge? A Yes, that's what I heard.  
Q When? A I don't know, long time.  
Q How long did she stay out there, do you know? A I don't know how long she was there.  
Q Did she get any money while she was out there from the Government? A No, didn't get no money.  
Q Do you know the name of Martha's father or mother? A I don't know.  
Q Then, you don't know the names of any of your wife's ancestors except ~~her~~ her father and mother? A I don't know.  
Q This application is for yourself, wife and five minor children, is that correct? A Yes.  
Q Is your name, or your wife's name, or the name of any one of your children to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of the tribe? A No.  
Q Did you in the year 1896, make application to this Commission for citizenship in the Choctaw Nation for yourself, your wife, or any one of these Children? A No.  
Q Have you ever made any application of any kind before to-day for yourself, your wife or any of these children? A Yes.

Simpson Jim, et al., 3.

Q When? A Three years ago.

Q Where? A Carthage.

The records of the Commission show that on the 25th day of January 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, his wife, Eliza, and his children, Whaelon, James, Egburt, Tessie, Clemmon, Evan, and Alice, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 50; also upon page 200 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being Numbers 177, 178, 179, 180, 181, 182, 183, 184 and 185, respectively, thereon.

Q At the time you made application three years ago, you had two children living by the names of Whaelon and Alice, did you not?

A Yes.

Q Are those two children living now? A No, the oldest one, Whaelon died in October, 1900, and Alice died in July 1900.

Q Now, the records of the Commission show that at the time you appeared here three years ago, you gave in the name of a child James, the child next younger than Whaelon; did you ever have a child by the name of James? A No.

Q What is the name of your child next younger than Whaelon? A Annie.

Q Is she married? A Yes.

Q What is her husband's name? A Phillip O. Dixon.

Q What is the next one next younger than Annie? A Robert.

Q You think when you appear before the Commission three years ago you intended to give in this child's name as Robert instead of James? A I reckon so; I don't remember it; I must have done it.

Q You don't remember of ever having called him James, do you? A No.

Q Is your name Jim Simpson, or Simpson Jim? A Simpson Jim.

Q Is this application made by you three years ago before the Commission at Carthage, Mississippi, the only application of any kind you ever made? A Yes, that's the only application I made.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here and along the western edge of the State of Alabama. The object of the treaty was to get these



Simpson Jim, et al., 4.

Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to move to this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might remain here and receive land from the United States Government. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of ~~six~~ one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors ever comply or attempt to comply with any of its provisions?

A I don't know.

Q Were any of them living here at the time this treaty was made, in 1830? A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here, in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the United States agent for the Choctaws here in Mississippi know they wanted to remain here in Mississippi and become citizens of the States? A If they did, I don't know it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Simpson Jim, et al., 5.

Q Did any of them ever claim or receive any land in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors, or any of your wife's ancestors ever having gotten any land here in Mississippi from the Government of the United States? A I don't know, never did.

Q Did you ever hear of any of them ever having gotten any money from the Government? A Never did.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your wife's ancestors covering land here in Mississippi given them by the Government? A I don't know.

Q Did you ever hear of it? A Never heard of it.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Indians as might desire to remain here and become citizens of the States and take land under that 14th article. The records of the Government show that this agent failed to register and report to the Government, the names of many Indians who did in fact let him know that they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors, appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.

Simpson Jim, et al., 6.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the Treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in place of that land, land someplace else in Mississippi, or in Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A Never seen or heard of such a thing.
- Q Do you know of any old person living who could likely know whether any of your ancestors, or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the Treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.
- Q Are there any further statements you desire to make? A I don't know.
- Q Have you any brothers living? A One living.
- Q What is his name? A Austin Jim.
- Q Where does he live? A Goodman, Holmes County.
- Q Is Austin married? A Yes, sir.
- Q Is his wife living? A Yes, sir.
- Q What is her name? A I don't know.
- Q Has Austin been before the Commission this year? A I don't know.
- Q Did you ever have any other brothers? A Had some other brothers - dead.
- Q Did any of your brothers leave children, those who are dead? A One living.
- Q What is the name of that child? A Adeline.
- Q Adeline what? A Adeline Willis.
- Q Is she married? A Yes, her husband's name is Joe Willis.
- Q What is the name of your sister who is living? A Josephine York, h the wife of Dixon York.
- Q Have you any sisters dead? A Yes.
- Q Did any of those sisters leave children? A Yes.
- Q How many? A Children are all dead.
- Q Are any of your father's brothers or sisters living? A I don't know.
- Q Any of their children living? A No.
- Q Any of your mother's brothers or sisters living? A No.
- Q Any of their children living? A No.
- Q Any of your wife's brothers living? A Yes.
- Q How many? A One.
- Q What is his name? A Scott York.
- Q Did your wife ever have any other brothers? A No.
- Q Has your wife any sisters living? A Two living.
- Q What are their names? A Sally.
- Q What? A Sally Dixon.
- Q Is she married? A Yes.
- Q What is her husband's name? A Columbus Dixon.
- Q Now, what is the next one? A I don't know the other's name.
- Q The other sister of your wife? A I don't know her name.

Simpson Jim, et al., 7.

- Q Where does she live? A In Neshoba County.  
Q Has your wife any sisters dead? A One dead.  
Q Did she leave any children? A No.  
Q Are any of your wife's father's brothers or sisters living?  
A One sister living.  
Q What is her name? A I can't think of her name; S lly Billey.  
Q Now, are any of the children of any other of Solomon's brothers or sisters living? A No.  
Q Are any of your wife's mother's brothers or sisters, or their children living? A I don't know.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of the appointments here in Mississippi this fall, or between January 15th and February 15th next at Meridian, Mississippi, or within a reasonable time there after at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

(This applicant has the appearance of being a full blood Indian; he speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely thro gh a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Carthage, Mississippi, this 18th day of December, 1901.

*L. B. Mosely*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*C. W.*

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In the matter of the application of Simpson Jim, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4568.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 10, 1901, by Simpson Jim for himself, his wife, Eliza Jim, and his five minor children, Robert, Egbert, Tessie, Clemmon and Evan Jim, under the following provision of the act of Congress approved June 26, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (50 Stat., 641), and ratified by the Choctaw and Chickasaw Nations September 27, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Simpson Jim, Eliza Jim, Robert Jim, Egbert Jim, Tessie Jim, Clemmon Jim and Evan Jim should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

APR 11 1903

  
COMMISSIONER.

COPY.

M.C.R. 4368.

Muskogee, Indian Territory, April 11, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 11, 1908, identifying Simpson Jim, his wife, Eliza Jim, and minor children Robert Jim, Egbert Jim, Tessie Jim, Clemmon Jim and Evan Jim as Mississippi Choctaw Indians under the provisions of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Simpson Jim, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

*Tame Dixie.*

Registered.  
Enc. 4368.

Chairman.

COPY

Muskogee, Indian Territory, April 27, 1903.

Simpson Jim,

Carthage, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 11, 1903, identifying yourself, your wife, Elisa Jim, and five minor children, Robert Jim, Egburt Jim, Tessie Jim, Clemmon Jim and Evan Jim, as Mississippi Choctaw Indians under the provisions of article 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 11, 1903, you will have six months from that date, or until April 11, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

Enc. 4368.



#1550

No. 4388

For Identification as a Mississippi Choctaw.

Vardage, Miss  
Date DEC 10 1901

Name Simpson Jim.

Age 50 Blood full

Post Office Vardage, Miss.

Father Little Jim d

Mother Celsey " d

Claims through both parents.

Wife Eliza Jim (full) 45 d

Father Clemmon York

Mother Mather York d

(Claims for self, wife &amp; minor children)

Children:

Robert Jim 15

Egbert " 13

Jessie " 10

Clemmon " 7

Evan " 5

(See Miss Choctaw's field

No. 50. Appearance 125/49)

Stenographer

R. S. Street

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Choctaw MCR 4369

John Dixon

MCR 4369

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John Dixon, et al., for  
identification as Mississippi Choctaws, M.C.R.4369.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John Dixon, et al.,  
for identification as Mississippi Choctaws, M.C.R.4369.

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4369.  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 10, 1901.

In the matter of the application of John Dixon for the identification of himself and his wife, Feely, as Mississippi Choctaws.

John Dixon, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A John Dixon.
- Q How old are you? A I expect about twenty eight.
- Q What is your post office address? A Carthage, Mississippi.
- Q How long have you lived in Leake County? Mississippi? A Lived here all my life.
- Q How much Choctaw blood do you claim to have? A I am just full blood.
- Q Is your father living? A No, sir.
- Q What was his name? A I can't tell you.
- Q Do you remember of ever having seen him? A No, I nothing but a little kid when he died. Dixon, was my daddy.
- Q He was a full blood? A Yes.
- Q Always lived in Mississippi? A Yes.
- Q Leake County? A He used to live here, but I don't know where he went to been died.
- Q Do you know his father's name, or his mother's name? A No.
- Q Never heard of your father having a Choctaw name, did you? A I have heard that his name was Ho-pah-ka-tubbee.
- Q Is your mother living? A No.
- Q What was her name? A I can't tell you. They left me when I little bit kid, and I can't tell you.
- Q You can't tell either her English name, or her Choctaw name? A No.
- Q Do you remember her at all? A I expect her name Ann, that's all.
- Q Was she a full blood Choctaw? A Yes, sir.
- Q Do you know the name of either of your mother's parents? A No.
- Q You don't know the names of any of your fore-fathers except your father and mother? A That's all.
- Q Have all of your people always lived here in Mississippi, so far as you know? A I can't tell you; I don't know nothing about that.
- Q Are you married? A Yes, sir.
- Q Been married more than once? A Twice.
- Q Is your first wife living? A Yes.
- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- Q Did you get a divorce from her, or just quit living together by mutual consent? A Just quit.
- Q Is she married again? A Yes, sir.
- Q What is her husband's name? A Sidney York.

John Dixon, et al., 2.

- Q When did she marry Sidney? A Been married about nearly three years.
- Q Did you have any children by Pauline? A Yes, one.
- Q What is that child's name? A Frank.
- Q Living with her or with you? A Done died.
- Q What is your present wife's name? A Feely.
- Q Are you living with her at this time? A Yes.
- Q Do you want to make application for your wife? A Yes.
- Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.
- Q How old is Feely? A I don't know how old.
- Q About how old do you think? A I can't tell you; about eighteen.
- Q How long have you been married to her? A Been married, I expect, about since one year this Christmas.
- Q Is she a full blood Choctaw? A Yes, sir.
- Q Has she always lived here in Mississippi? A Yes, sir.
- Q Is her father living? A No, sir.
- Q What was his name? A Jim.
- Q Him what? A Jim Sam.
- Q Did Jim Sam have a Choctaw name? A Just called Jim.
- Q Did he always live in Mississippi? A Yes, sir.
- Q Was he a full blood Choctaw? A Yes, sir.
- Q How long has he been dead? A About twelve or fourteen years.
- Q Do you know the name of his father or his mother? A No, I don't know nothing about them.
- Q Is your wife's mother living? A Yes, sir.
- Q What is her name? A Sallie Dixon.
- Q What is her husband's name? A Columbus.
- Q Is Sallie a full blood Choctaw? A Yes, sir.
- Q Did she always live in Mississippi? A Yes, sir.
- Q Has she a Choctaw name? A That's all.
- Q Do you know the name of Sallie's mother, or Sallie's father?
- A Yes, Solomon York is her father.
- Q What was her mother's name? A I can't tell you.
- Q So far as you know, have all of your wife's ancestors always lived here in Mississippi? A I don't know about that.
- Q Have you any children? A No.
- Q This application, then, is for yourself and wife only? A Yes.
- Q Is your name, or your wife's name, to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No.
- Q Did any one ever make such an application for your wife? A I don't know.
- Q Did you, or any one for you, or your wife, or any one for her, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896? A I don't know.
- Q Did you ever hear of such an application having been made for either of you? A No, never heard.
- Q Was any application of any kind ever been made for either of you before to-day? A Yes.

The records of the Commission show that on the 25th day of January, 1899, application was made to the Commission

John Dixon, et al., 3.

at Carthage, Mississippi, for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field Number 88; also, upon page 46 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being number 321, thereon.

The records of the Commission further show that on the same day, application was made to the Commission at Carthage, Mississippi, for the identification of the wife of this applicant, Feely Sam, as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field Number 66; ~~also~~ appearing thereon as Sam Freely; also on page 43 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under article 14 of the treaty of Dancing Rabbit Creek, being Number 247 thereon.

Q Your wife lived with Columbus Dixon, did she not, at the time the Commission was here three years ago? A Yes.

Q Is this application made for you, and the one made for your wife three years ago at Carthage, the only application of any kind that has ever been made for either of you, A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a portion of which is now occupied by the greater portion of the Choctaw tribe of Indians and is known as the Choctaw Nation, Indian Territory. At the time the treaty was made, the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty; that 14th article provided that upon certain conditions, a Choctaw who preferred to remain here might receive land from the Government.

Q Do you understand that 14th article? A No.



John Dixon, et al., 4.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors ever comply or attempt to comply with the provisions of that article, or ever receive any benefits under that article? A I don't know.

Q Were any of them living here in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made ratified, signify to the United States agent for the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A Not that I ever heard of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of the treaty, or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors, or any of your wife's ancestors ever having gotten any land here in Mississippi from the Government? A Never heard.

Q Did you ever hear of any of them ever having gotten any money from the Government? A I don't know; never heard.

Q Have all of them always lived in Mississippi so far as you know? A I reckon so.

Q Do you know whether any of them were ever recognized members of the Choctaw tribe of Indians? A I don't know.

John Dixon, et al., 5.

Q Did you ever hear of any of them ever having been in Indian Territory?? A Never heard.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed any agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and take land, and on this account, the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the Government under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions whereby the remainder of these Choctaws might be given hearings, and so another Act of Congress was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This second Commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either one of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?  
A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi

John Dixon, et al., 6.

or in Louisiana, or Alabama, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors ever receive any of this scrip from the Government or the United States under this Act of Congress? A I don't know; never heard.

Q Do you know any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under it? A I don't know.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors, or any of your wife's ancestors covering land here in Mississippi, received from the Government under article 14 of the treaty? A Never heard.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter, at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any further statements you desire to make at this time in support of your application? A No.

Q Have you any brothers living? A Yes.

Q How many? A One.

Q Full brother? A Yes.

Q What is his name? A Philip.

Q Have you any half brothers living? A Yes.

Q How many? A Two.

Q What are their names? A Columbus and Wilson.

Q Have they the same father as your father? A Yes.

Q Have you any full brothers dead? A I expect so, but I don't know

Q They died when they were small if you had any full brothers?

A Yes.

Q Have you any half brothers dead? A I can't tell you. I don't know about that.

Q Have you any sisters living? A Yes, sir.

Q How many? A Just one.

Q What is her name? A Lula.

Q Is she married? A Yes, sir.

Q What is her husband's name? A Hickman.

Q Hickman? what? A Jamison.

Q Her husband is dead is he? A Yes, sir.

Q Does she live near Carthage? A Yes, sir.

Q Did you ever have any other sisters who are now dead, or any half sisters? A No, sir.

Q Has your wife any brothers living? A Yes, sir.

John Dixon, et al., 7.

- Q How many? A Two.
- Q What are their names? A Arden Jamison.
- Q Has she any other half brothers? A No, a full brother, Huddleston Sam.
- Q Is he married? A No.
- Q Is he living with Columbus Dixon? A No.
- Q Where does he live? A He lives the other side of Pearl River.
- Q Has your wife any brothers, or half brothers dead? A I don't know.
- Q Has she any sisters living? A No, all died.
- Q Are any of the children of any of her sisters living? A Yes, Bettie Martin.
- Q Now, what was the name of Bettie Martin's mother? A Louisa.
- Q Was she a full sister of your wife? A Half sister.
- Q Same mother, or same father, as your wife? A Same mother.
- Q Is that all of the children of any of your wife's sisters that are living? A Yes.
- Q Now, are any of your ~~wife's~~ father's brothers or sisters living?
- A No.
- Q Are any of their children living? A Two living.
- Q Are they full brothers and sisters? A Yes.
- Q What are their names? A Seby Primus and Ben Primus.
- Q Are they the children of your ~~wife's~~ father's brother? A Yes.
- Q What was the name of their father? A Primus.
- Q Are these two the only children of any of your father's brothers or sisters who are living? A That's all.
- Q Are any of your mother's brothers or sisters living? A No.
- Q Are any of the children of any of your mother's brothers or sisters living? A No.
- Q Are any of your wife's father's brothers or sisters living?
- A No.
- Q Are any of their children living? A No.
- Q Are any of your wife's mother's brothers or sisters living? A Yes, one brother living.
- Q What is his name? A Scott York.
- Q Is that all? A That's all.
- Q She has no sisters living? A No.
- Q Has she any brothers dead? A I don't know.
- Q Has she any sisters dead? A I don't know.

(This applicant has every appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English, and partially through a sworn Choctaw interpreter.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above cause on December 10, 1901, and that the foregoing is a full, true and correct transcription of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Carthage, Mississippi, this 18th day of December, 1901.

*R. S. Streit*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By

Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Civil*

-----  
In the matter of the application of John Dixon, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4369.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 10, 1901, by John Dixon for himself and his wife, Feely Dixon, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that both of the applicants are full-blood Mississippi Choctaw Indians.

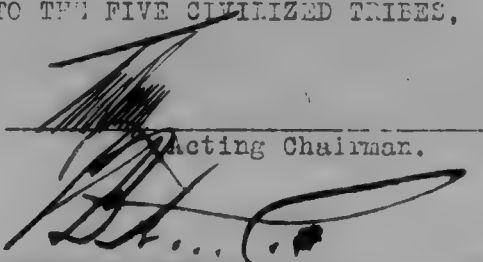
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

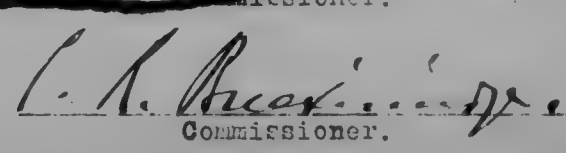
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that John Dixon and Feely Dixon should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

\_\_\_\_ F.P. 14 190 \_\_\_\_

COPY.

M.C.R. 4369

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying John Dixon and his wife, Feely Dixon, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Dixon and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED):

*Jams Bixby.*

Acting Chairman

Registered  
Enclosure G.H. 25

M.O.R.4369.

COPY.

Muskogee, Indian Territory, March 11, 1903.

John Dixon,

Carthage, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Feely Dixon, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Yours,

*Tams Bixby.*  
Chairman.

Registered.

Enc.: 4369.



MCR 4369  
M C 71

Muskogee, Indian Territory, May 15, 1903.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

The following notations have this day been made upon  
Mississippi Choctaw card No. 71:

SETTLEMENT ADDRESS: "Calloway, Ind. Ter."

DATE OF PROOF OF SETTLEMENT: "May 12, 1903."

"Declaration and proof of settlement applies to No. 1  
only."

You are requested to make like notations upon the dupli-  
cate card in your possession in accordance with the above informa-  
tion.

Respectfully,

Commissioner in Charge.

#1549

No. 4369

For Identification as a Mississippi Choctaw.  
Carthage, Miss.

DEC 10 1901

Date

Name

John Dixon

Age

28

Blood

full

Post Office,

Carthage, Miss.

Father:

Dixon

d

Ho-pah Ka-tubbee.

Mother:

~~John Dixon~~

d

Claims through

both parents.

Wife Feely Dixon (full) 18

Father Jim Sam

d

Mother Fannie Dixon

d

(Claims for self and wife)

Children:

(See Miss. Choc. car's field No. 88 as to John Dixon. Miss. Choc. car's field No 66. as to Feely Dixon's appearance 12/5/99)

(The only ancestor of applicant or his wife, known by him (except parents) is Solomon York, father of his wife's moth...)

Stenographer

R. S. Strick

John. Dixon, et al.

JR. 4369

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 4370

Mary G. Pillars

MCR 4370

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Mary G. Pillars, et al., for identification as Mississippi Choctaws, M. C. R. 4370.

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of Mary G. Pillars, et al.

|   | Page. |
|---|-------|
| Original application of Mary G. Pillars, et al., before the Dawes Commission for identification as Mississippi Choctaws ..    | 1     |
| Decision of the Commission refusing the application of Mary G. Pillars, et al., for identification as Mississippi Choctaws .. | 9     |

-----

21370  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 10, 1901.

In the matter of the application of Mary G. Pillars, for the identification of herself and one minor child, Eugenia V. Pillars, as Mississippi Choctaws.

Mary G. Pillars, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mary G. Pillars.  
Q How old are you? A I was twenty years old, the 18th of last month.  
Q How much Choctaw blood have you? A My mother was Choctaw - I was told by my uncle; I was small when my mother died, and so I have heard ever since I was large enough to know anything, I have heard that my mother was Choctaw, full blood Choctaw.  
Q You claim, then, to be a half blood? A Yes, sir.  
Q You don't remember your mother, then? A No, sir, I don't remember my mother at all.  
Q What is your post office address? A Jackson, Mississippi.  
Q Is your father living? A No, sir; my father died when I was about five months old.  
Q What was his name? A Calvin Bogan.  
Q Did he have any Choctaw blood? A Not as I know of.  
Q Was he a slave? A I don't know, sir.  
Q He was a colored man, wasn't he? A Half white.  
Q What was your mother's name? A Susan Bogan, but they always called her Mittie Bogan.  
Q Do you know the name of your mother's father, or her mother? A No sir, I don't know.  
Q You understand, though, that she was a full blood Choctaw? A That's what I have been told and been going by.  
Q Where did she live during her life time? A She lived in Washington County, what I have been told; he brought us here from Washington County; we lived in a little place in Boliver County, but after my mother died, he come and got us, and we have lived in Washington County.  
Q Did she always live in the State of Mississippi, do you know? A Well, I don't know, sir; my grand mother told me I was born in Louisiana, but I don't know, I guess too, though, that she didn't always live in Mississippi.  
Q You know nothing whatever of your mother's ancestors? A No sir.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Jesse W. Pillars.  
Q Has he any Choctaw blood? A Not that I know of.  
Q Is he living? A Yes, sir.  
Q You make no claim for him? A No, sir.  
Q Have you any children? A One.  
Q What is its name? A Eugenia V. Pillars.  
Q How old is this child? A She is between nine and ten months old; she will be ten months old the 23rd of this month.

Mary G. Pillars, et al., 2.

Q Is she the child of yourself and J.W. Pillars? A Yes, sir.

Q This application, then, is for yourself and one minor child, is it? A Yes, sir.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of the tribe?

A No, sir.

Q Did any one else ever make such an application for you? A Not as I know of.

Q Did you, in the year, 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896, that's over five years ago? A No, sir.

Q Did any one else ever make such an application for you at that time? A Not as I know of.

Q Has any application ever been made for you before to-day? A Not as I know of.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir, the claim of a Choctaw.

Q You understand that 14th article of the treaty of Dancing Rabbit Creek, do you? A Yes, sir.

Q Do you know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made?

A I don't know.

Q Did any of them own an improvement here at that time? A Not as I know of.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A Not, as I know of. I was small.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not as I know of.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ~~made~~ ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States and take land? A Not as I know of.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States? A Not as I know of.

Q Did any of them ever get any land here in Mississippi? A Not as I know of.

Q Did any of them ever loan or receive any money from the Government here in Mississippi? A Not, sir; not as I know of.

Q Did any of them ever live in Indian Territory? A I don't know sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to

Mary G. Pillars, et al., 3.

remain here and become citizens and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Indians, who did in fact let him know that they wanted to stay here and become citizens of the States, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of such Choctaws as claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was appointed by the president of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress which was approved on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases, and so it was necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act of Congress was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to finish up this work; this second commission was appointed by the President of the United States and the commissioners came down here to Mississippi in the forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Act of Congress approved August, 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land in lieu thereof someplace else in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip under this Act of Congress? A Not that I know of.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir; I don't know.



Mary G. Pillars, et al., 4.

- Q Have you any witnesses here to-day? A Yes, sir.  
Q How many? A I have my uncle and uncle-in-law over here can testify as to what he knows.  
Q What do you expect to prove by the witnesses who are here to-day?  
A To prove that I am Choctaw; that I have half blood of the Choctaw.  
Q They know nothing in regard to whether any of your ancestors ever complied with this 14th article of the treaty of Dancing Rabbit Creek, do they? A No, sir; I don't think they do.  
Q Have you any brothers or sisters living? A Yes, sir; I have a brother that I know of, but when my mother died I was small, and I left a brother and a sister, and my uncle got us, and I don't know whether they are dead or living. I have one brother, full brother of mine; he is said to be in Chicago.  
Q What is his name? A Eugene M. Bogan.  
Q Older or younger than you are? A Older.  
Q What are the names of these other two brothers and sisters?  
A My brother, I don't know anything about him now; his name was Lewis Moore; he was a half brother of mine.  
Q Samemother? A Yes, sir.  
Q What was the sisters name? A I believe her name was Beulah Vesta Fairchild.  
Q Same mother as yours? A Yes, sir.  
Q Are any of your mother's brothers or sisters living? A Not as I know of.  
Q Any of the children of any of your mother's brothers or sisters living? A Not as I know of. I don't know whether she had any brothers or sisters.  
Q You don't speak or understand the Choctaw language, do you?  
A No, sir.

(This applicant has the appearance of being possessed of negro blood, and possibly some Indian blood; her features are similar to those of an Indian; her hair is black and straight; she does not speak or understand the Choctaw language.)

(Applicant excused.)

James Bogan, being first called and duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A James Bogan.  
Q How old are you? A Forty one years old.  
Q What is your post office address? A Jackson, Mississippi, sir.  
Q What is your occupation? A I am foreman of the street gang in Jackson.  
Q Have you any Choctaw blood? A No, sir.  
Q Are you acquainted with Mary G. Pillars? A Yes, sir.  
Q Is she any relation to you? A I am her uncle.

Mary G. Pillars, et al., 5.

- Q You are her father's brother? A Yes, sir.
- Q Are you interested in any way in the result of her application?
- A No, sir.
- Q Has she any Choctaw blood? A Yes, sir; she is half breed.
- Q Through which one of her parents did she derive her Choctaw blood? A Her mother.
- Q What was her mother's name? A Mittis Bogan.
- Q Was she a full blood Choctaw? A Yes, sir.
- Q Did she speak or understand the Choctaw language? A A right smart
- Q Do you speak or understand the Choctaw language? A I do not.
- Q Where did you know Mittis Bogan? A In Washington County, on Big Deer Creek.
- Q This State? A Yes, sir.
- Q How long has she been dead? A Fifteen years.
- Q Did she always live in the State of Mississippi? A Yes, sir.
- Q About how old was she when she died? A About twenty eight.
- Q Were there any other Choctaws living in that community at that time? A There was a few up and down that Creek.
- Q Full bloods? A Yes, sir.
- Q Describe her personal appearance? A Well, all I know about her; she was a full blood Choctaw.
- Q Tell us how she looked? A She got cheek bones high, and coal black and long black hair, and every image in the world of them.
- Q You are sure she had no colored blood? A No, sir.
- Q She didn't? A No, sir.
- Q You are sure she spoke and understood the Choctaw language? A Yes, sir.
- Q Do you know the name of her father? A No, I do not.
- Q Or her mother? A No, sir.
- Q You don't know the name of any one of her ancestors? A No, sir.
- Q Did she ever live in Indian Territory? A I don't know whether she ever did, or not.
- Q How long did you know her? A I knowed her for about eighteen years.
- Q How old was she when you got acquainted with her? A I don't know exactly.
- Q Was she a grown woman? A No, sir, not exactly.
- Q Who did she live with? A She lived with an old man by the name of Brit Fairchilds.
- Q What was he? A He was a colored man.
- Q How did she come to be in his family? A I do not know.
- Q Did you ever hear about that? A No, sir; I am trying to think now; I don't know anything with reference to that.
- Q Do you know any one living who would likely know about that?
- A No, sir.
- Q Do you know whether she ever received any land or money here from the Government? A Never did that I know of.
- Q You understand this 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you know whether any of her ancestors ever complied or attempted to comply with its provisions? A Never did that I know of.
- Q Did you ever hear of any of them ever having received any benefits under it? A No, sir.
- Q Do you know whether any of her ancestors ever appeared before either of the Commissions appointed under the Act of Congress approved August 23, 1842, or March 3, 1837, and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir; I do not.

Mary G. Pillars, et al., 6.

Q Do you know whether any of them ever received any scrip from the Government under this Act of Congress approved August 23, 1842? A No sir.

Q Do you know any one living who would know about that? A No, sir; I do not.

Q Any further statements you want to make? A That's all.

(Witness excused.)

Edward W. Jones, being called and first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Edward W. Jones.

Q What is your age? A Fifty three.

Q What is your post office address? A Jackson, Mississippi.

Q How long have you lived in Jackson? A I have lived in Jackson about fifteen years.

Q What is your occupation? A Real estate agent.

Q Are you acquainted with Mary G. Pillars? A I am.

Q How long have you known her? A I have known her about fourteen years.

Q Is she any relation to you? A She is; my wife is her aunt.

Q Are you interested in any way in the result of her application?

A None whatever, except, if she is entitled to a claim, to prove it; that's all; I have no interest in it whatever.

Q Do you know whether she has any Choctaw Indians blood? A I only know it from hearsay.

Q What did you ever hear of it? A I heard her grand mother say that she had; that her mother's mother was a full blood Indian woman.

Q This applicant's father's mother? A No, her grand mother.

Q That would be her father's mother? A Oh! yes, that's right.

Q You have heard her say this applicant's mother was a full blood Choctaw? A Yes, sir.

Q That's all you know about it? A Yes, sir; wife talked it over with me

Q Was she acquainted with this applicant's mother, your wife?

A Yes, sir; I think so.

Q You never saw this applicant's mother? A Never did.

Q And never knew her at all? A Did not.

Q Couldn't testify from your own knowledge as to whether she had Choctaw blood, or not? A I could not.

Q You understand this 14th article of the treaty of Dancing Rabbit Creek? A I think I do; I learned more about it this morning.

Q You have heard it explained this morning? A Yes, sir.

Q You don't know whether any of her ancestors ever complied or attempted to comply with its provisions? A I do not.

Q Or whether any of them ever received any benefits under it? A I do not.

Q You don't know whether any of them ever received any scrip from the Government under this Act of August 23, 1842, do you? A I do not.

Q Do you know whether any of the ancestors of this applicant ever received any benefits as Choctaw Indians? A I do not.

Q

Mary G. Pillars, et al., 7.

Q Or whether any of them were ever recognized members of the Choctaw tribe? A: I do not.

Q Are there any further statements you want to make? A No, sir; none other than these. This applicant has some people in Washington County who knows more about this matter than I do; it is a terrible expense to get them here, and if you can get hold of them --

They may appear before the Commission at Meridian, Mississippi, between January 15th and February 15th next, or within a reasonable time thereafter at the General Office of the Commission at Muskogee, Indian Territory, and their testimony will be taken.

(This witness is a negro of more than average intelligence)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Carthage, Mississippi, this 18th day of December, 1901.

*R. S. Streit*  
*L. D. Mosely*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

J. F. W.  
C. W.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Mary G. Pillars, et al., for identification as Mississippi Choctaws, M. G. R. 4370.

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DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary G. Pillars for herself and her minor child, Eugenia V. Pillars, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application and from the records in the possession of the Commission it does not appear that either of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly com-

stituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a court of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1906 (34 Stat., 221).

The record herein shows that the applicants are too young to have been living in 1830, and fails to show the name of a more remote Chectaw ancestor, through whom they claim, than the mother of the principal applicant, who, according to the testimony, would have been forty-three years of age in 1901, and could not therefore, have been living in 1830. The record shows that the principal applicant is ignorant of the names of any of her ancestors other than her mother. Although she has had more than six months in which to secure evidence tending to show the such ancestors were, she has not offered to submit such additional proof.

The evidence being insufficient to determine the identity of Mary G. Pillars and Regina V. Pillars as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

ISSUED

Leone Kirby

Acting Chairman.

ISSUED

A. B. Needles

Commissioner.

ISSUED

C. F. Breckinridge

Commissioner.

Wahbatoo, Indian Territory,

DEC 8 1907

COPY.

M.C.R. 4370

Muskogee, Indian Territory, December 3, 1902.

Mansfield, McMurphy & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary G. Pillars, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Mary G. Pillars and Eugenia V. Pillars as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Samuel P. P. P.

Acting Chairman.



COPY.

Muskogee, Indian Territory, December 3, 1902.

Mary G. Pillars,  
Jackson, Mississippi.

Dear Madam:

You are hereby advised that on the 3rd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary G. Pillars, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Mary G. Pillars and Eugenia V. Pillars as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the



Mary G. Pillars-2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*James Bixby.*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

There is transmitted herewith the record in the case of Mary G. Pillars, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

M.C.R. 4370.

*J. A. M. 1902*  
~~Acting-Commissioner.~~  
COMMISSIONER IN CHARGE

(COPY)

Land.

DEPARTMENT OF THE INTERIOR,

75,920-1902.

Office of Indian Affairs,

Washington, Feb. 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Mary G. Pillars for herself and her minor child, Eugenia V. Pillars, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on December 3, 1902.

The testimony in this case shows that the witnesses are unable to give the name of an ancestor of the applicants alive in 1830, or whether an ancestor was a member of the Choctaw tribe in Mississippi or Alabama in 1830, or had an improvement, or complied with the provisions of the 14th article of the Choctaw treaty of 1830, relying solely on their Choctaw blood. They do not go back of Mittie Began, the mother of the principal applicant.

The commission rejected the applicants because the name of their ancestor, through whom they claim, did not appear among the names of

those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Mittie Hegan, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

(E.B.H.)

P.

(COPY)

D C 7004-1903.

DEPARTMENT OF THE INTERIOR.

ITD.1678-1903.

Washington.

RAF.

L. R. S.

March 11, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mary G. Pillars and her minor child, Eugenia V. Pillars, including your decision of December 2, 1902, denying the application.

The applicants trace their descent from Mittie Bogan, mother of the principal applicant, and it is shown that she could not have been in existence in 1830. The applicants are unable to give the name of a more remote ancestor than said Bogan.

Reporting February 14, 1903, the Acting Commissioner of Indian Affairs states that the records of the Indian fail to show that Mittie Bogan complied or attempted to comply with article 14 of the treaty of September 27, 1830, and he recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms the decision rendered.

Respectfully,

(Signed) F. L. Campbell,

1 inclosure.

Acting Secretary.

COPY.

Waskagee, Indian Territory, March 20, 1903.

Mary G. Pillars,

Jackson, Mississippi.

~~Dear Madam:~~

You are hereby notified that on the 11th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary G. Pillars, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,

(6)

James Bixler  
Chairman.

DOCS

Maskogee, Indian Territory, March 20, 1903.

Mansfield, Murray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary G. Pillars, et al., of which decision you were advised by mail on the 2nd day of December, 1902.

Respectfully,

*Taras Baxter*  
Chairman.

## For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date

DEC 10 1901

Name

Mary G Pillars

Age 20

Blood  $\frac{1}{2}$ 

Post Office,

Jackson, Miss.

Father:

Calvin Bogan -

d

Mother:

Susan <sup>Mittie</sup> " -

d

Claims through

mother.

Husband

Jesse W Pillars

L

(No claim for him)

(Claims for self and one minor child)

Children:

Eugenia V. Pillars

9 mo.

(Applicant doesn't know  
name of any of mother's  
ancestors.)

Stenographer

R. S. Street.



Choctaw MCR 4371

Celia King

MCR 4371

**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

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In the matter of the application of Celia King, et al.,  
for identification as Mississippi Choctaws, M C R 4371.

List of papers forwarded to the Secretary of the interior  
with the record in the above case, together  
with the page occupied by each in  
said record.

|  | Page. |
|--|-------|
| Original application of Celia King, et al.,<br>for identification as Mississippi Choctaws.                                       | 1     |
| Examination of Emily Pickett before the Commis-<br>sion in support of application.   | 7     |
| Examination of Edward W. Jones before the Com-<br>mission in support of application.   | 9     |
| Examination of R. G. Anderson before the Com-<br>mission in support of application.  | 9     |
| Examination of James Began before the Commis-<br>sion in support of application.   | 10    |
| Examination of Samuel A. Beadle before the Com-<br>mission in support of application.  | 10    |
| Decision of the Commission refusing the appli-<br>cation of Celia King, et al., for identifica-<br>tion as Mississippi Choctaws. | 12    |

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4391.  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 10, 1901.

In the matter of the application of Celia King for the identification of herself and three minor children, Neal Robinson, Johnnie Robinson and Eddie Robinson, as Mississippi Choctaws.

Celia King, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Celia King.  
Q How old are you? A I think I am thirty seven - going on.  
Q What is your post office address? A Jackson, Mississippi. I am going by the age mama gave me when I was a child big enough to remember.  
Q How much Choctaw blood do you claim to have? A Half, I reckon.  
Q Is your father living? A I never saw him.  
Q You don't know whether he is living or not, then? A I don't know.  
Q What was his name? A God knows; I don't. You will have to go to the old lady. My mother says his name is Bob.  
Q Did you ever hear her say what his other name was besides Bob?  
A Mother said she didn't know what that Injun was named - nothing but Boba. She really never would tell me, because she said she didn't want to be teased about any man, and she wouldn't tell me on account of not wanting to be teased about that. I hate the Indian blood in me myself; I don't like for any body to call me Indian.  
Q Is your mother living? A Yes, sir.  
Q What is her name? A Emily Pucket.  
Q Has she any Choctaw blood? A She says she is part. I don't know anything about that, only what she said.  
Q Do you know how much Choctaw blood your mother has? A No sir, but I knew my grand mother was mixed with some kind of Indian.  
Q You claim your Choctaw blood through your father, then? A Yes sir.  
Q Was your mother a slave? A Yes, sir.  
Q Was your father a slave? A I don't know that. She said he wasn't a slave.  
Q You understand them that your father was a full blood Choctaw Indian? A Yes, sir; that's what she has always told me.  
Q But you never saw him and don't know anything about him? A No, sir; she said he left when I was a child, and I don't remember you know.  
Q Do you know the name of his father or his mother? A No, sir.  
Q Was your mother married to this man? A No, sir.  
Q You knew nothing whatever about it? A No, sir, nothing but what she said.  
Q Did she ever have any other children besides you? A No, sir.  
Q Do you know how long they lived together as man and wife, if at all? A She said she stayed with him a year.  
Q Was that during slavery times? A I think so.  
Q Are you married? A I am a widow now, been married twice.  
Q Did you ever have any children by your second husband? A No, sir, children by my first husband.

Celia King, et al., 3.

- Q What was your first husband's name? A Alan Robinson.
- Q Did he have any Choctaw blood? A No, sir; he was a negro.
- Q When did he die? A I don't know how long it's been ago; me and him separated and I don't know whether he is dead or living, or what in the world became of him; I have n't seen him for twenty years; I stayed away from him for twelve years before I married again; it's been a long time since I seen him; he left me and I don't know what became of him.
- Q Have you any children living? A I have got three living.
- Q What are their names and ages? A Neal Robinson.
- Q How old? A I didn't bring his age, but I think he is about twenty, and Johnnie -
- Q A boy? A Yes, sir, about eighteen, I think.
- Q The next one? A Eddie Robinson.
- Q How old is Eddie? A Sixteen.
- Q Are these children all three living at this time? A Yes, sir, I reckon; so far as I know they is.
- Q Are they all living with you? A No, sir; just the youngest one living with me.
- Q Do you know where the other two boys are? A I don't know positive ly where they are; the last time I heard from one; he was in Arkansas and the other one was in Buffalo, New York; I can 't tell exactly; they run around and don't stay in one place long, you know how boys are when they take to running around over the world.
- Q Are either of them married? A Not that I know of.
- Q Are they all three the children of yourself and Alan Robinson? A Yes, sir.
- Q And they get their Choctaw blood solely through you? A Yes, sir, if they get any at all, because their daddy is a black man.
- Q This application, then, is for yourself and three minor Children? A Yes, sir.
- Q Now, is your name, or the name of either one of these sons to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the tribe? A No, sir.
- Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896? A No, sir.
- Q Is this the first application of any kind you have ever made for yourself or any of these children? A Yes, sir, the first case of this kind I ever was in.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get

Celix King, et al., 3.

these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now owned by the greater portion of the Choctaw tribe and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to move from this country out to the new country west of the Mississippi River, and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be ~~entitled to one-half that quantity for each unmarried~~ child which is living with him over ten years; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of Dancing Rabbit Creek that was made here seventy one years ago; I have quoted to you the 14th article of the treaty of Dancing Rabbit Creek made here seventy one years ago. Now, I want to know if you understand that thoroughly? A I have tried to understand it as you talked it.

Q Do you think you understand it? A No, sir.

I will try to explain it so you will understand it. That treaty was made here seventy one years ago, and the 14th article was put in the treaty for the benefit of those Choctaws who were living here at that time and who preferred to stay here and not go out to the new country west of the Mississippi River; that fourteenth article provided that in case a Choctaw wanted to stay here, he might do so and get land here in Mississippi from the Government upon certain conditions. First, if he wanted to stay here, he must within six months after this treaty was ratified, and the treaty was ratified on the 24th day of February, 1831, let the agent of the Government here in Mississippi for the Choctaws know that he wanted to stay here, then he would be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, a piece of land a mile square; if he had children in his family over ten years of age, for each of those children he would be entitled to 320 acres of land, or a half section; if he had children

Celia King, et al., 4.

under ten years of age for each one of those children he would be entitled to one hundred and sixty acres of land, or a quarter section. Now, this reservation must include the improvement the head of the family as it existed on the 27th day of September, 1830, and the reservation for the children must adjoin the reservation for the parents. Now, if they lived on that land for five years from February 24, 1831, in that case the Indian was entitled to a grant in fee simple covering his land; that is, the Government would give him title to the land, and he would be able to dispose of it at his pleasure. If a Choctaw complied with the requirements of this 14th article and got land here in Mississippi from the Government, he didn't necessarily lose the privilege of a Choctaw citizen, but if he ever moved out to the new country west of the Mississippi River, he would not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws in Indian Territory each year under treaty stipulations.

Q Now, do you think you understand that 14th article? A I think I do.

Q Did your father, or any of his ancestors, ever comply or attempt to comply with its provisions? A I don't know, sir.

Q Did any of them ever receive any benefits under that article? A No, sir; I don't know.

Q Do you know whether any of them were living here in the old Choctaw Nation in 1830, when this treaty was made? A No, sir; I don't know where I was born; I don't know whether it was here, or where.

Q Do you know whether any of them owned an improvement here when this treaty was made, seventy one years ago? A No, sir.

Q Or whether any of them were recognized members of the Choctaw tribe here at that time? A No, sir.

Q Or whether any of them removed from the old Choctaw Nation here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Do you know whether any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government, here in Mississippi for the Choctaws, know that they wanted to stay here and become citizens of the States and take land?

A No, I don't know.

Q Or whether any of them ever claimed or received any land here in Mississippi from the Government under this 14th article of the treaty? A No, sir; I don't know nothing about it.

Q Do you know whether any of them ever got any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A No, sir.

Q Did you ever hear of any of your ancestors ever getting any land here in Mississippi from the Government? A No, sir.

Q Or any money from the Government? A No, sir.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government? A No, sir.

In accordance with the provisions of article 14 of the

Celia King, et al., 5.

treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and receive land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and become citizens of the States; and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress approved on the 22nd day of February 1838, they were unable to dispose of but a comparatively small number of these cases. So it became necessary for Congress to make further provisions whereby the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these Choctaw cases. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi in the forties and heard a great many more of these Choctaw cases.

Q Do you know whether any of your ancestors appeared before either of these commissions and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir; I never heard of one.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of that land, land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Did any of your ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A None.



Celia King, et al., 6.

Q Do you know about that? A No, sir; none of us ever received anything.

Q Any of your ancestors? A No, sir; I have not got but two sisters.

Q Your ancestors - your fore-fathers- your old folks? A No, sir, aint none of them.

Q Do you know any one living who would likely know whether any of your fore-fathers ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under it? A No, sir.

Q Have you any witnesses here to-day? A Yes, sir.

Q Who are they? A My mother, Mr. Beeland, Mr. Jones and Mr. Anderson.

Q What do you expect to prove by these witnesses? A Just what they have got to say about it. They are in the town I live in, and they call me Indian Celia, and they are all witnesses to that; for sixteen years I have been there, and lived around the town for two years before that, and there is some here known me for twenty years right around Jackson, and they know I am called that all the time, and my mother - I can prove by her who my father is. That's all I know.

Q You don't expect to be able to prove by them anything in regard to whether any of your ancestors ever complied with the provisions of article 14 of the treaty of 1830? A No, sir; I can't prove that.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th, at Meridian, Mississippi, or within a reasonable time thereafter, at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you care to make? A No, sir.

Q Have you any brothers living - full brothers? A No, sir, I have nothing but half brothers.

Q Have they the same father or mother? A Same mother.

Q Have you any full sisters living? A No, sir.

Q Any half sisters? A Yes, sir.

Q Same father or same mother? A Same mother.

Q Do you know the names of any of your father's relatives who are living? A No, sir.

Q None at all? A No, sir.

Q Do you speak or understand the Choctaw language? A No, sir; I was raised up among colored people; I don't know none of their language.

(This applicant has the appearance of being possessed of as much Indian blood as is claimed by her. Her features are those of an Indian. Her hair resembles that of an Indian. She does not speak or understand the Choctaw language.)

(Applicant excused.)



Celia King, et al., 7.

Emily Pucket, having been first duly called and sworn as witness in behalf of the applicant, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Emily Pucket.
- Q How old are you? A I am about seventy three.
- Q What is your post office address? A Florence, Mississippi. I aint no education person; I'll tell you the best I know; I am on the new railroad.
- Q What county is that in? A Rankin County.
- Q How long have you lived in Mississippi? A I have been living there all my days.
- Q Were you a slave? A Yes, sir; I been living there all my days, and as long as I can remember; I lived in Simpson when I was a child.
- Q You have no Choctaw blood that you know of, have you? A Well, my mother said I did, but I aint got no witnesses for it; she said I did; she is just like I is. She is dead.
- Q Was she a slave? A Yes, sir; she was a slave.
- Q Are you acquainted with Celia King? A Yes, sir.
- Q Is she any relation to you? A Yes, sir; she is my daughter.
- Q Where does Celia live? A She lives in Jackson now.
- Q About how old is she? A About thirty seven years old. I kept up her age all straight along.
- Q Has she any Choctaw blood? A yes, sir; she is half, if any at all - she' is. I had him about a year.
- Q What was the name of her father? A Bob.
- Q Did he have any other name? A No, sir; not that I can remember.
- Q Where did Bob live? A He stayed up there in Rankin. It was in slave time - they made a good deal of cotton and me and my master couldn't pick it, and we hired the Indians to pick it; I was with them.
- Q How long? A Until we got the cotton out; we made thirteen bales of cotton; I would go down there and play with them; that is certainly the truth; I done that.
- Q Where is Bob now, do you know? A No, sir; I don't know where he is; when they carried the Indians out of here, I reckon he went on with them; that's been so long; she is thirty seven years old; its been a good while.
- Q Was he a full blood Choctaw? A Yes, sir, and hunted like all the rest of the Indians.
- Q Could he talk the Choctaw language? A yes, sir; he talked like me; like I am talking; he didn't talk none of his funny talk.
- Q He talked English, then, didn't he auntie, instead of Choctaw? A yes, sir; he talked plain to me.
- Q Did he talk Choctaw? A Yes, sir, he talked the Choctaw language, but I couldn't understand that; he could talk plain like I could talk.
- Q Was that during slavery times that this girl was born? A Yes, sir.
- Q Were you married to this Indian? A Yes, sir; just married ourselves; you see them days when we married we stepped over the broom; in them days black people weren't married, but I married him.
- Q How was that? A Just stepped over the broom.

Celia King, et al., 8.

Q How long did you live with this man? A I lived with him a year.

Q Did you live with him as his wife? A Yes, sir.

Q Or just stay with him occasionally? A Just stayed with him occasionally.

Q Did you have any other man at that time, besides him? A No, sir; didn't have nary one at that time.

Q How old were you then? A I can't remember then how old I was; I know how old I is now, seventy three.

Q Had you ever been married before that? A No, sir, nothing but a girl.

Q You never did live with this man - this man and you never did live together as man and wife? A No, sir; we were just together all the time for a while.

Q How often were you together? A I don't know; sit.

Q Just tell us? A I couldn't tell you that.

Q But you were together at times for a year? A Yes, sir.

Q He didn't recognize you as his wife, did he? A I don't know, sir.

Q You didn't recognize him as your husband, did you? A No, sir; I loved him mighty good, and wanted to stay with him; I told him I thought more of him than any man I ever saw in my life.

Q Do you know what became of him? A He went off with the Indians when they went off.

Q He wasn't a slave, was he? A No, sir; he was an Indian.

Q Do you know the name of his father or mother? A No, sir.

Q Knew nothing about his people? A No, sir, just worked in the field with them, and picked cotton with them.

Q Where was he from? A I couldn't tell you, just come there and hired him to pick cotton, my master did. He asked me for Celia lots of times, and I said he couldn't have my baby, and he said she was his own.

Q Did he leave there before Celia was born? A No, sir; he seed her; she was a right smart girl.

Q You didn't live with him up to the time she was born? A Yes, sir; stayed around then everywhere. Stayed with him a right smart while after she was born; she could walk about from chair to chair.

Q Where did you live - have a house of your own and you live in it together? A No, sir; with my white people.

Q He came to see you occasionally; that's what you mean by living together? A Yes, sir.

Q About how old a man was Bob, then? A I couldn't tell you; I didn't know nothing about his name; I couldn't tell you exactly his age.

Q Was he older than you, or younger than you? A He looked like he was younger; you know I wouldn't ask him how old he was; I always did like the Indian; always did, - like them yet.

Q Do you know whether Bob, or any of his ancestors ever got any land here in Mississippi from the Government of the United States?

A No, sir; that's out of my recollection.

Q You never heard him say anything about that? A No, sir.

Q You don't know whether he ever owned any or not? A No, sir.

Q Do you know whether he ever got any money from the Government?

A No, sir; I don't know that either.

Q You don't know whether he was ever a recognized member of the Choctaw tribe, do you? A No, sir.

Q Or whether he ever lived in Indian Territory? A No, sir; you see them days they didn't tell me nothing about that.

Q Do you know whether he ever got any scrip from the Government under this Act of Congress approved August 23, 1842? A I don't know.

Celia King, et al., 9.

Q You heard your daughter, Celia, examined? A Yes, sir.

Q Do you know anything further than she told in her testimony?

A No, sir; I wouldn't tell who her daddy was; she asked me, and I wouldn't tell her; she was grown before I did tell her; I didn't want her to know I had been that far; she said if she knew who her daddy was, she would go to him, and I wouldn't tell her.

Q Are there any further statements you want to make in support of this application? A No, sir.

Q Did you ever have any other children by this man? A No, sir.

Q Did you ever have any other children by any other Indian? A No, sir; I just had children after he went off.

(This witness is a negro of below the average intelligence)

(Witness excused.)

Edward W. Jones, having been first called and duly sworn, as a witness in behalf of the applicant, testified as follows:

Examination by the Commission.

Q What is your name? A Edward W. Jones.

Q What is your age? A Fifty three.

Q What is your post office address? A Jackson, Mississippi.

Q How long have you lived in Mississippi? A Born in Mississippi.

Q You have no Choctaw blood, have you? A Not that I know of.

Q Were you a slave? A I was.

Q What is your occupation? A I am a real estate dealer.

Q Are you acquainted with Celia King? A I have known her, yes, sir; for fourteen or fifteen years.

Q Are you any relation to her? A No, sir; none.

Q Are you interested in any way in the result of her application? A None whatever.

Q What do you know of her being possessed of Indian blood? A I don't know anything about the merits of it; I just know ever since I have known her, when she was a younger girl - I have known her thirteen or fourteen years - she has always been called Indian Celia.

Q You know nothing further about her? A No, sir. Nothing about her ancestors.

Q You don't know anything about what kind of Indian blood she has? A No, sir.

Q Are there any further statements you care to make? A No, sir; I have nothing further than that; I know just what I have stated to you.

(This witness is a negro of more than average intelligence)

(Witness excused.)

R. G. Anderson, having been first called and duly sworn as a witness in behalf of the applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A R. G. Anderson.

Q What is your age? A About thirty three.

Celia King, et al., 10.

Q What is your post office address? A Meridian? Mississippi, Lauderdale County.

Q What is your occupation? A Teamster for the Commission to the Five Civilized Tribes.

Q Are you acquainted with Celia King who has just appeared before this Commission? A Yes, sir.

Q How long have you know Celia? A I have known Celia for about ten years.

Q Do you know anything about her being possessed of Indian blood? A No, sir; I don't know only we called her Indian Celia all the time.

Q Where did you know her? A In Jackson, Mississippi.

Q You don't know what kind of Indian blood she is possessed of?

A No, sir.

Q Or how much? A No, I do not.

Q Do you know anything about her ancestors? A No, sir.

(Witness excused.)

James Bogan, having been first called and duly sworn as a witness in behalf of the applicant, upon his oath, testified as follows:

Examination by the Commission.

Q What is your name? A James Bogan.

Q How old are you? A Forty nine, years old.

Q What is your post office address? A Jackson, Mississippi.

Q Have you any Choctaw blood? A Not a bit on earth.

Q What is your occupation? A Foreman of the Jackson street gang.

Q Are you acquainted with Celia King? A Yes, sir.

Q Any relation to her? A No, sir.

Q Are you interested in any way in the result of her application? A No, sir.

Q How long have you known Celia? A I have known her for about thirteen years.

Q Do you know anything about her being possessed of Indian blood?

A Only what I have heard her say ; they call her Indian Celia, is all I know.

Q You don't know what kind of Indian blood she has, or how much?

A No, sir.

Q You know nothing whatever of her ancestors? A No, sir; I do not.

(This man is a negro of more than average intelligence.)

(Witness excused.)

Samuel A. Beadle, having been first called and duly sworn as a witness in behalf of the applicant, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Samuel A. Beadle.

Q What is your age? A Forty four.

Celia King, et al., 11.

Q What is your post office address? A Jackson, Mississippi.

Q How long have you lived in Jackson, Mississippi? A Since 1874.

Q What is your occupation? A I am a lawyer.

Q Are you acquainted with Celia King? A Yes, sir; I am, and have been for about twenty years.

Q Are you interested in any way in the result of the case? A Yes, to that extent? A I furnished her the money to come down here, and in the success in getting her claim through, I would like to get that money back, and I am representing her somewhat.

Q Do you know anything about her being possessed of Indian blood?

A No, sir, only they call her Indian Celia.

Q You don't know how much Indian blood she has, or whether it is Choctaw? A No, sir.

Q You don't know anything of any of her ancestors? A No, sir; except I know her mother.

Q Her mother has no Choctaw blood? A Not that I know of; she claims to be part Indian, but what kind I don't know.

(This witness is a negro of above the average intelligence)

R. S. Streit, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at ~~Meriden~~ Jackson, Mississippi, this 18th day of December, 1901/

*L. B. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

W. A. L.  
C. V. W.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of Celia King, et al.,  
for identification as Mississippi Choctaws, N C R 4371.

--: D E C I S I O N :--

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Celia King for herself and her three minor children, Neal, Johnnie and Eddie Robinson, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Hob, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 18, 1896, (29 Stat., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Bob, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 130), and August 23, 1842, (5 Stat., 513).

The name of one "Bob" appears on page 144 of Volume I of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States, before the Court of Claims, No. 12742, in a list of names of Choctaw heads of families, claiming lands under article fourteen of the treaty of eighteen hundred and thirty, but there is nothing in the testimony submitted by the applicants which

would tend to show that the "Bob", whose name appears in the record above cited, is the identical "Bob" through whom they claim.

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Celia King, Neal Robinson, Johnnie Robinson and Eddie Robinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*T. B. Needles.*

**Commissioner.**

*C. R. Froehneridae*

**Commissioner.**

DFC 2 - 1902



File

COPY.

M.O.R.4371.

Muskogee, Indian Territory, December 2, 1902.

Celia King,

411 Railroad Avenue,

Jackson, Mississippi.

Dear Madam:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Celia King, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Celia King, Neal Robinson, Johnnie Robinson, and Edna Robinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office

C. E., 2.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

Samuel L. Tracy.

Acting Chairman.

Registered.

COPY.

M.C.R.4371.

Puskogee, Indian Territory, December 2, 1902.

Mansfield, Motturray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Celia King, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896, (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Celia King, Neal Robinson, Johnnie Robinson and Eddie Robinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamie Dixby.*

Acting Chairman.

Muskegee, Indian Territory, December 18, 1902.

The Honorable,

~~The Secretary of the Interior.~~

Sir:

There is transmitted herewith the record in the case of Celia King, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 2, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 4371

Acting Chairman.

D. C. 30242-1903.

(COPY)

J.W.H. FHE

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

I.T.D. 4880-1903.  
L.R.S.

October 27, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

December 18, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Celia King (M.C.R.4371), for herself and her three minor children, Neal, Johnnie and Eddie Robinson, including your decision of December 2, 1902, refusing to identify them as such.

The principal applicant, Celia King, through whom the others claim, is a one-half blood Choctaw who was born in 1864. She obtained her Choctaw blood from her father, Bob, who was a full blood Choctaw. He was born about the year 1830. When a resident of Mississippi he lived in Rankin county.

The report of the Acting Commissioner of Indian Affairs of June 4, 1903, in the matter, shows that there was a person named Bob who complied with article 14 of the treaty of 1830, and who was at that time 40 years of age.

Such being the fact, it is evident that Bob, the beneficiary, was not identical in person with Bob, the ancestor of these applicants. As there is no further evidence contained in the records of the Government or in the testimony of the applicants, tending to show that any of their ancestors were entitled to the benefits of article 14 of the treaty of September 27, 1830, it is concluded that your decision in the matter was correct.

In said report of June 4, 1903, the Acting Commissioner recommends that your action be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

(COPY)

Refer in reply to the following:

Land.  
75528 - 1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, June 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith for your consideration the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Celia King for herself and her three minor children, Neal, Johnnie and Eddie Robinson, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission December 2, 1902.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from one Bob or Bob Injun, the principal applicant's father, who it is alleged was a citizen of the Choctaw Nation and a resident in Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because they had never been enrolled as citizens of the Choctaw Nation and for the reason that the evidence is insufficient to establish the identity

of the Bob through whom they claim with the Bob that appears on page 144 of Vol. 1 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States, before the Court of Claims, No. 12742, in a list of names of Choctaw heads of families, claiming lands under article fourteen of the treaty of 1830.

An examination of the records of this office has been made with reference to the name of Bob or Bob Injun and the following record is discovered in P'k. 34-32:

" O-nubbee, being five feet 10 1/2 inches high and about forty years of age, states that he is a full-blood Choctaw and was at the date of the treaty of Dancing Rabbit Creek the head of a Choctaw family. Had a wife Pis-sah-ha-nah and two unmarried children living with him under ten years of age, to-wit:

1. Char-lis present
2. Mi-na dead

He then had an improvement a house and a field on which he lived situated on Show-ah-ta-cau-la Creek, fields extended to the Creek and used water out of the same, in Leflore's District on the east side of Yock-a-noo-ka-na, about one and a half miles from the same. He continued to reside there about four years when he was driven off by a white man named Spright who was employed by another white man named Rowe to do so. Rowe said he had bought the land, he settled near where he has lived ever since. In six months from the ratification of the treaty he attended a council at Hopiah-he-nahs and sent his name and that of his children to Ward the Agent to be re-



gistered by Tish-oh-piah, who gave it to Ward but he refused to register his name. He has never been west and never received any other grant of land under the treaty, nor does he claim under any other clause. He never within five years of the ratification of the treaty made any contract which he considers binding on him to sell or transfer his said land or any scrip which may be awarded to him by the Government in lieu thereof. )

Sworn to and subscribed before us )  
at Hopahka, 3rd January 1843 )

I. F. H. Claiborn )

Ralph Graves )  
----- )

O-Nubbee

his  
X  
mark

The deposition of Tish-oh-piah, a full-blooded Choctaw taken at Ho-pah-ka before the Commissions to be read as evidence in behalf of claim of O-nubbee or Bob (case 37) being first sworn deposes and says;

That he knew the claimant well O-nubbee at date of treaty, that he lived nearly a mile from him at that time, that claimant at that time was a married man and had two children towit:

1. Char-lis now present
2. Mi-na now dead

That neither was born at treaty of Dokes Stand and were under ten at treaty of Dancing Rabbit Creek, Claimant with his family lived in a house to themselves and cultivated a field under a fence to

themselves. &c."

X

X

X

"  
Case No. 37  
"

On examination of the evidence & papers filed in the case of O-nubbee No. 37 and it appearing to the Board that said Claimant complied or offered to comply with all the requisites of the 14th article of the treaty of Dancing Rabbit Creek and it appearing further that the Section of land embracing the improvement of said claimant at the date of said treaty to wit: Section twenty-six, Township eleven, of Range six east, have been disposed of by the Government. The Board in pursuance of and in conformity to the Act of Congress of the 23rd August 1842 do adjudge and allow to said Claimant six hundred and forty acres of land - to the heirs of his child Mina, dec'd who was under ten years of age one hundred and sixty acres- to his child Charlis, under ten years one hundred and sixty acres of land. To be taken out of any of the Public lands of the States of Mississippi, Alabama, Louisiana and Arkansas, subject to entry at private sale.

Entered 9 June

1843

"

The applicants herein, know little or nothing in reference to the Bob through whom they claim except that his wife to whom he was

married after the fashion of slaves, lived with him off and on for about two years; that a daughter was born to them during that time who is the principal applicant herein, they do not know of the compliance or attempted compliance on the part of their alleged ancestor, with the provisions of the 14th article of the treaty of 1830; nor whether he was a recognized Choctaw Indian.

The record in the case above quoted of O-nubbee or Bob, shows that he was a recognized Choctaw Indian and the head of a Choctaw family consisting of his wife Pis-sah-ha-nah and two children Char-lis and Mi-na and therefore, could not have been the party through whom the applicant in this case claim.

These being the facts of this case, it is the opinion of this office that the decision of the Commission rejecting the applicants, is correct, and I concur in that finding and recommend its approval.

Very respectfully,

A. C. Tenner,

Acting Commissioner

C.T.C.

(SIGN D)

V.C.B. 4371.

Muskogee, Indian Territory, November 5, 1903.

Celia King,

411 Railroad Avenue,

Jackson, Mississippi,

Dear Madam:

You are hereby notified that on the 27th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Celia King, et al., of which decision you were advised by registered mail on the 2nd day of December, 1902.

Respectfully,

(SIGN)

*Fame Dixby.*  
Chairman.

(SIGNED)

M.C.R. 4371.

Muskogee, Indian Territory, November 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 27th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Celia King, et al., of which decision you were advised on the 2nd day of December, 1902.

Respectfully,

(SIGNED)

*Tams Dixby*  
Chairman.

For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date DEC 10 1901

Name Celia King

Age 37

Blood  $\frac{1}{2}$

Post Office, Jackson, Miss. 411 Railroad Ave.

Father: - Bob -

Mother: Emily Sucker

Claims through father.

husband Alam Robinson

(Claims for self and 3 minor children)

Children:

Neal Robinson 20

Johnnie " 18

Eddie " 16

(Applicant does not know

name of any one of her father's descendants.)

Stenographer

R. S. Street.

Choctaw MCR 4372

Ida R. Redmond

See MCR 4373

MCR 4372

432  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 10, 1901.

In the matter of the application of Ida R. Redmond for the identification of herself and one minor child, Esther M. Redmond, as Mississippi Choctaws.

Ida R. Redmond, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ida R. Redmond.  
Q How old are you? A Twenty eight.  
Q What is your post office address? A Jackson, Mississippi.  
Q How long have you lived at Jackson? A Four years now.  
Q Where did you live before that? A Holly Springs, Mississippi, and Rodney, Mississippi.  
Q Lived in Mississippi all your life? A Yes, sir.  
Q How much Choctaw blood, have you? A  $1/4$ ; my father's father was a full blood Mississippi Choctaw Indian.  
Q Is your father living? A No, sir.  
Q What was his name? A Hiram R. Revels.  
Q How long has he been dead? A He died last January, not quite a year yet.  
Q How old was he when he died? A Somewhere about seventy.  
Q You say he was a half blood? A His father was a full blood Mississippi Choctaw Indian.  
Q Was your father a slave? A No, sir.  
Q Did he ever live any place except Mississippi? A His father took his mother and went to North Carolina and he was born there- my father was.  
Q How long did he live there? A I don't know, sir; how long he stayed there, several children was born, and he sent them off to school and educated them, and he came back to Mississippi, and we were all born here.  
Q What was the name of your father's father? A Rhodes Revels, he said.  
Q Did you ever see him? A No, sir; he was older than my father, and my father was seventy.  
Q You say that he was a full blood Choctaw? A My father's father?  
A Yes? A Yes, sir; that's what my father said.  
Q Do you know when it was he lived in Mississippi? A I don't know.  
Q You don't know when he left here? A No, sir; I don't know.  
Q Do you know whether he was a slave, or not? A No sir, he was not a slave.  
Q Was your mother a slave? A No, sir.  
Q What was her name? A Phoebe Ann Revels.  
Q When did she die? A She has been dead a year this coming February.  
Q Do you know whether your father and mother were lawfully married?  
A They said they were. They were neither ever slaves; they were married, they said,, in Ohio, Buckeye County.  
Q How long did they live together? A Forty five years when they died. Both died - just a months difference in their deaths.



Ida R. Redmond, et al., 2.

Q Lived together until their death? A Yes, sir; one died in January and one in February.

Q Do you know whether Rhodes Revels and your father's mother were lawfully married? A No, sir; I don't know.

Q Do you know how many children they raised? A No, sir; I have heard my pa speak of a good many dead in his family, but I don't know how many. I have heard him speak of his brothers and sisters, but I don't know how many.

Q Are you married? A Yes, sir.

Q Your husband living? A Yes, sir.

Q Has he any Choctaw blood? A No, sir.

Q You make no claim for him then? A No, sir.

Q What is his name? A Sidney D. Redmond.

Q Have you any children? A I have one child.

Q What is its name? A Esther M. Redmond.

Q How old? A Two years old.

Q Is your child living with you now? A Yes, sir; I have it here.

Q Is she the child of yourself and Sidney Redmond? A Yes, sir.

Q This application, then, is for yourself and one minor child?

A Yes, sir.

Q Is your name, or the name of this child, to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.

Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation for yourself or this child under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever made any application of any kind before to-day? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes, sir.

Q Do you understand that 14th article thoroughly? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article? A Not that I know of.

Q Were any of them living here in the old Choctaw Nation, in Mississippi at the time this treaty was made? A I don't know, sir.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A No, sir.

Q Did any of them own an improvement here at that time? A Not that I know of.

Q Now, you said none of them were recognized members of the tribe, do you know whether they were or not? A No sir, I do not.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government for the Choctaws here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States? A No, sir; I don't know.

Q Did any of them ever claim or receive any land here in Mississippi

Ida R. Redmond, et al., 3.

from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A No, sir; I think not.

Q You never heard of any of your people, then, ever having gotten any land here in Mississippi from the Government? A No sir, I have not.

Q Did you ever hear of any of them ever getting any money from the Government? A No, sir.

Q So far as you know, then, none of them have ever received any benefits as Choctaw Indians? A No, sir, so far as I know they have not.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Indians lived and had improvements, and which they supposed they would receive from the Government under article 14 of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was appointed by the President and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed and a later Act of Congress approved on the 22nd day of February, 1838, providing for the continuance of the commission, they were unable to dispose of but a comparatively small number of these cases, so it became necessary for Congress to make further provisions whereby the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This second commission was duly appointed by the President and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir; not that I know of.

Ida R. Redmond, et al., 4.

My father never put in any claim at all, because he thought you had to be a full blood Choctaw Indian; and he was only half.

Q Well, these commissions were appointed here sixty and seventy years ago; you don't know whether any of your ancestors appeared before them, or not? A No, sir.

Q

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or Alabama, or Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip under the this Act of Congress? A Not, sir; I think not.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir; it has been so long ago, and they was so old, I guess they are all dead.

Q Have you any witnesses here to-day? A Yes, sir.

Q How many? A Professor, P.W. Howard, Sidney Redmond, Henry Williams, and Bliss Hall.

Q What do you expect to prove by these witnesses? A I expect to prove that my father's father was a full blood Choctaw Indians; that's what he has always told us.

Q That's all you expect to prove? A Yes, sir; that he was a full blood Choctaw; that his father was.

Q You expect to prove that your father always claimed that his father was a full blood Choctaw? A Yes, sir; he always said so, and always told every one. I have heard others say so. He could speak the language, and I have heard him speak and say that was that language.

Q Heard your father? A yes, sir.

Q Do you speak or understand it? A No, sir.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter, at the General office of the Commission at Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any sisters living? A Just the two, this one and that other one.

Q Give their names? A Dora R. Redmond and Susie R. Cayton; I have two others dead.

Q Did either of those who are dead leave children? A One did. The eldest one.

Ida R. Redmond, et al., 5.

Q How many children? A One.

Q Is that child living now? A Yes, sir.

Q What is the child's name? A Emma Houston.

Q With whom does she live? A With this sister that is coming?  
Susie R. Cayton.

Q Did you ever have any brothers? A Not that I know of.

Q Are any of your father's brothers or sisters living? A Nosir, they  
are all dead.

Q Did any of them leave children? A No, sir; not that I know of.

Q Is the Dora R. Leonard, who appeared before the Commission here  
this morning, your sister? A She is.

(This applicant has the appearance of being possessed of  
a mixture of white and negro blood, in which the white  
blood largely predominates; she shows no indication of being  
possessed of Indian blood, neither does she speak or  
understand the Choctaw language.)

(Applicant excused.)

S. D. Redmond, having been first called and duly sworn as a  
witness on behalf of the above named applicant, upon his oath  
testified as follows:

Examination by the Commission.

Q What is your name? A S. D. Redmond.

Q How old are you? A I am twenty nine.

Q What is your post office address? A Jackson, Mississippi.

Q Have you any Choctaw blood? A No, sir; none that I know of.

Q What is your occupation? A Physician.

Q Are you acquainted with Dora R. Leonard? A Yes, sir.

Q What relation is she to you? A She is my sister in law.

Q Are you acquainted with Ida R. Redmond? A Yes, sir.

Q What relation is she to you? A She is my wife.

Q She is a full sister of Dora R. Leonard? A Yes, sir; that's the  
way I have always understood it; and that's what her parents said.

Q Do you know anything about their being possessed of Choctaw  
blood? A Nothing more than what I have heard their parents remark -  
her father.

Q What have you heard their father say? A I have heard him say his  
father was a full blood Choctaw Indian. I have noticed it in the  
associated press dispatches when he died, they set up an argument,  
that really he was not a negro, but an Indian; that was in the Washing-  
ton Press Dispatches of the latter part of this last February, when  
he died.

Q That's the only evidence you have that he was possessed of Indian  
blood? A What he said; he had the features of an Indian.

Q Describe his personal appearance the best you can? A Well, he  
had a nose something like an Indian, and high cheek bones, and his  
hair was something like an Indian, and of a light brown skin.

Q Did he speak or understand the Choctaw language? A Well, he said  
that he spoke the Choctaw - had some idea of it, and I remember on  
one of two occasions he and I were talking, and he made use of some  
expressions simply for amusement, and said that was Choctaw; that he  
had heard his father speak when he was quite a boy.

Q You don't understand the language yourself? A No, sir; I do not.

Ida R. Redmond, et al., &c.

Q Did you ever see his father? A Never did.

Q You know nothing whatever, except what he said? A No sir, except what I have heard him say and remark.

Q What you heard him say about his father? A Yes, sir.

Q What did you hear him say about his father? A I heard him say his father was a Choctaw Indian.

Q Full blood Choctaw? A Yes, sir.

Q Are there any further statements you care to make in support of of this application? A Well, nothing more than that I heard him say this, and of course, I saw it also in the associated press dispatches, it said that was the record that they had before, some such record, and this was in the Washington associated press dispatches of the latter part of January or February, this year.

Q That's all you heard him say? A Yes, sir.

Q You understand the 14th article of the treaty of Dancing Rabbit Creek, do you? A I have heard some of it.

Q Do you know anything about whether any of your wife's ancestors ever complied or attempted to comply with its provisions? A Well, I have never known of them making any application for claim, or anything of that kind.

Q Do you know whether any of them were living here in Mississippi in 1830, when this treaty was made? A I do not.

Q Do you know whether any of them ever received any land here in Mississippi from the Government? A I do not.

Q Or any money from the Government? A None that I know of.

(This witness has the appearance of being a negro of more than ordinary intelligence.)

(Witness excused.)

P. W. Howard, having been first called and duly sworn, as a witness in behalf of the above named applicant, testified as follows:

Examination by the Commission.

Q What is your name? A P. W. Howard.

Q What is your age? A Twenty four.

Q What is your post office address? A West Side, Mississippi.

Q Have you any Choctaw blood? A None that I know of.

Q What is your occupation? A Professor of Mathematics in the Agricultural College, West Side, Mississippi.

Q Are you acquainted with Dora R. Leonard? A I am.

Q Are you acquainted with Ida R. Redmond? A I am.

Q Are you any relation to either of them? A Brother-in-law.

Q To which one? A To both of them.

Q You married one of their sisters? A Yes, sir.

Q Is your wife living? A No, sir.

Q How long have you known Dora Leonard and Ida Redmond? A I have known Dora Leonard about twelve or fourteen years, and I have known Ida Redmond about eight years.

Q Are you interested in any way in the result of their applications? A Well, to the extent that as a son-in-law of his, I heard him very often boast of his Choctaw Indian blood.

Q But I mean are you interested in any way in the result of their applications - whether their claims are allowed or not. Are you

Ida R. Redmond, et al., 7.

financially interested? A No, sir.

Q You are not interested? A No, sir, not interested.

Q What do you know of their being possessed of Choctaw Indian blood? A Well, I heard him say that their father - that he was a half blood, and that his father was a thoroughbred Choctaw, and then he used some language that I supposed to be Indian language, but, of course, not knowing the language, myself, I don't know whether it was or not.

Q Did you ever see their father's father? A No, sir.

Q What was their father's name? A Hiram R. Revels.

Q Do you know what his father's name was? A I heard him say Rhodes Revels.

Q You understand article 14 of the treaty of Dancing Rabbit Creek, do you not? A I think I do.

Q Do you know anything about whether any of his ancestors ever complied or attempted to comply with its provisions, or ever received any benefits under that article? A I do not.

Q You know nothing about the family except what you have learned since your associations with them in the last few years? A I do not.

Q Are there any further statements you desire to make in support of this application? A I might add this, that at the time he died the associated press indicated that he was a half Choctaw.

Q Do you know where that information came from? A I do not.

Q Is that all you have to say? A Yes, sir.

(This witness has the appearance of being a negro of more than ordinary intelligence.)

(Witness excused.)

Henry Williams, having been first called and duly sworn, as a witness on behalf of the above named applicants upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Henry Williams.

Q How old are you? A Twenty four.

Q What is your post office address? A Holly Springs, Mississippi.

Q Have you any Choctaw blood? A Not that I know of.

Q What is your occupation? A Farming.

Q Are you acquainted with Dora R. Leonard? A Yes, sir.

Q Are you acquainted with Ida R. Redmond? A Yes, sir.

Q Are you interested in any way in the result of their applications? A No, sir.

Q How long have you known them? A Been knowing them all my life.

Q Do you know whether they have any Choctaw blood? A Well, I heard their father say that he was one-quarter Choctaw.

Q What? A I heard their father say that he was a half Choctaw Indian.

Q How did you come to say one-quarter at first? A I meant to say that they was one-quarter.

Q What was their father's name? A Hiram Revels.



Ida R. Redmond, et al., 8.

- Q Where did you know him? A There in Holly Spring.  
Q When did he live there? A He has been there ever since I knowed him.  
Q When did he die? A He died last February.  
Q Did he speak or understand the Choctaw language? A I used to hear him speak something, but I don't know what it was; he said it was Choctaw Indian.  
Q Were you acquainted with his father? A No, sir.  
Q You don't know whether he had Choctaw blood, or not A I heard him say his father was a Choctaw Indian.  
Q Full blood Choctaw? A Yes, sir.  
Q Is that all you know about this case? A Yes, sir; that's all.  
Q Any further statements you want to make? A No, sir.  
Q Do you know whether any of the ancestors of these people ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No, sir.  
Q Or whether they ever received any benefits under that article? A No, sir.  
Q Do you know whether any of them ever received any land here in Mississippi from the Government? A No, sir.  
Q Or any money from the Government? A No, sir.  
Q Or whether any of them were ever recognized members of the Choctaw tribe of Indians? A No, sir.  
Q Or whether any of them ever lived in Indian Territory? A No, sir.

(This witness is a negro of average intelligence.)

(Witness excused.)

Bliss Hall, having been first called and duly sworn, as a witness in behalf of the above named applicant, testified as follows:

Examination by the Commission.

- Q What is your name? A Bliss Hall.  
Q How old are you? A Twenty one.  
Q What is your post office address? A Holly Springs, Mississippi.  
Q How long have you lived there? A Been living there quite a while, going to school in the winter.  
Q About how many years? A I reckon about seven years.  
Q What is your occupation? A Farming.  
Q Are you acquainted with Ida R. Redmond? A Yes, sir.  
Q Are you acquainted with Dora R. Leonard? A Yes sir.  
Q Are you any relation to either of them? A No, sir.  
Q How long have you known them? A Known them about seven years.  
Q Are you interested in any way in the result of their applications? A No sir.  
Q How long have you known these people? A About seven years .  
Q Do you know anything about their being possessed of Choctaw Indian blood? A No more than what I have heard their father say.  
Q What did you hear him say? A You know he has been presiding elder at my home before I come to Holly Springs; and he said his father was a full blood Choctaw Indian, and he was only half Choctaw Indian, and I listened to him and he spoke some language to

Ida R. Redmond, et al.,9.

amuse me; I didn't understand it; he said it was Choctaw Indian.

Q You don't understand the Choctaw language yourself? A No, sir.

Q Is that all you know about their being possessed of Indian blood?

A Yes, sir; all I know and recognize.

Q You don't know their grand father? A No sir.

Q Hiram Revels' father? A No, sir; no more than heard him speak of his father.

Q Do you know whether any of the ancestors of either of these applicants ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No, sir.

Q Or whether any of them ever received any benefits under that article? A No, sir.

Q Or whether any of them ever received any ~~land~~ land here in Mississippi from the Government? A No, sir.

Q Or any money from the Government? A No, sir.

Q Is there anything further you care to say in support of this application? A That's all.

(This witness is a negro of average intelligence.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the tenth day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Carthage, Mississippi, this 16th day of December, 1901.

*L. D. Massey*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By

*Marvin*

Deputy.



COPY.

M.C.R. 4372.

Muskogee, Indian Territory, August 8, 1902.

Ida R. Redmond,

Jackson, Mississippi.

Dear Madam:

You are hereby advised that on the 8th day of August 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dora R. Leonard, et al., embracing the following applications for identification as Mississippi Choctaw:

Dora R. Leonard, et al., M.C.R. 4379  
Ida R. Redmond, et al., " 4372.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dora R. Leonard, Phoebe Leonard, Little B. Leonard, Marguerite Leonard, Ida R. Redmond, and Esther W. Redmond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

#2.

fourteen of the treaty of 1850, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Tamm Dixby.*  
Acting Chairman.

Registered.

COPIES

M.C.R. 4372

Muskogee, Indian Territory, February 21, 1903.

Ida R. Redmond,

Jackson, Mississippi.

~~Dear Madam:-~~

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dora R. Leonard, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

*Tams Bixby*

Acting Chairman

For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date DEC 19 1901

Name Ida R. Redmond

Age 28 Blood 1/4

Post Office, Jackson, Miss.

Father: Kiram R. Revels d

Mother: Phoebe Alm (Revels) d

Claims through father =  
Husband Sidney D. Redmond;  
(No claim for him.)

Claims for self as one minor child.)

Children:

Ethel M. Redmond 2

(Applicant claims through  
father's father Phoebe (Revels)  
who she knows as a  
full blood Choctaw.)

Stenographer

R. S. Street

Choctaw MCR 4373

Dora R. Leonard

See MCR 4372

MCR 4373

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Dora R. Leonard, et al.,  
for identification as Mississippi Choctaws, substantiating the  
applications of:

Dora R. Leonard, et al.,  
Ida R. Redmond, et al.,

M.O.R. 4373  
M.O.R. 4372.

List of papers forwarded to the Secretary of the Interior  
embracing the record in the consolidated case of  
Dora R. Leonard, et al.,

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| Original application of Dora R. Leonard,<br>et al., for identification as Mississippi<br>Choctaws.....                               | 1  |
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| Decision of the Commission denying the application<br>of Dora R. Leonard, et al., for identification<br>as Mississippi Choctaws..... | 16 |

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4373.  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 10, 1901.

In the matter of the application of Dora R. Leonard, for the identification of herself, and three minor children, Phoebe, Lillie B. and Marguerite, as Mississippi Choctaws.

Dora R. Leonard, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Dora R. Leonard.  
Q How old are you? A I am thirty two.  
Q How much Choctaw blood do you claim to have? A A quarter.  
Q What is your post office address? A Chicago, Illinois.  
Q What is your local address? A 4718 Dearborn Street.  
Q How long have you lived in Chicago? A About five or six months.  
Q Where did you live before that? A Holly Springs, Mississippi.  
Q How long did you live there? A I don't know. I lived at Yaseo City a while.  
Q You have lived in Mississippi all of your life except the last few months? A Yes, sir.  
Q Is your father living? A No, sir; he is dead.  
Q What was his name? A Hiram R. Revels.  
Q How much Choctaw blood did your father have? A He was half; his father was a whole blood Indian.  
Q Where did Hiram Revels live? A He lived in Mississippi.  
Q Lived here all his life? A Well; he lived here mostly all his life. He was born in North Carolina. His father was from Mississippi and just before he was born, and he sent his mother up to North Carolina, then he came up himself, and there my father and several other children were born; they were reared back in the north and were never slaves, none of them. And then after he was older he came south and we have been south all during my recollection of him - he was in Mississippi.  
Q How old would your father be if he were living now? A He was about seventy; he died this year.  
Q Through which one of his parents did he get his Choctaw blood? A His father.  
Q What was his father's name? A Revels.  
Q What other name did he have? A He said he was always called Rhodes Revels.  
Q How long has he been dead? A I don't know, sir.  
Q Did you ever see him? A No, sir.  
Q You claim that he was a full blood Choctaw Indian? A Yes, sir.  
Q Did he have any other name besides Rhodes Revels - did he have a Choctaw name? A If he did, I don't know it; I might have heard it and forgot it; I don't know it now.  
Q Did he always live in Mississippi until he went to North Carolina; you said he went to North Carolina? A Yes, sir.  
Q Was he born here in the State of Mississippi? A Yes, sir; that's

Dora R. Leonard, et al. 2.

all I ever heard of him from Mississippi; I never heard his direct birth.

Q Do you know when he died? A No, sir; he was dead before I was born.

Q Do you know any one living who knew him? A No, sir; I suppose they are all dead. Father is seventy himself; I don't know of any; no one that I know of.

Q Is your mother living? A No, sir; she died this year too, a month or two after my father.

Q What was her name? A Phoebe Revels.

Q She had no Choctaw blood? A No, sir.

Q Was she a slave? A No, sir; she was born in Ohio - born and reared.

Q Were your father and mother married according to law? A Yes, sir, they were married in Ohio - in Buckeye County, Ohio.

Q What evidence have you of that fact? A They were never slaves; they were allowed to marry, and allowed the privilege of an education; we never heard it, but naturally supposed they would be.

Q How many children did they raise? A Right as us, but all are dead but three.

Q Do you know how long your parents lived together as man and wife? A About forty five years.

Q Up until the death of one of them? A Yes, sir.

Q Now, do you know anything about the marriage of Rhodes Revels and your father's mother? A No, sir, I don't know, no more than them being here together, and they all went there and reared a family together; there were several children of them.

Q Of Rhodes Revels and his wife? A Yes, sir.

Q How many children did they raise? A They had several; I don't know just how many. I just remember the names of a few of them. Our father came south and the rest of them never did.

Q Do you know how long they lived together as man and wife, Rhodes Revels? A They died together; they lived up there and died.

Q Neither of them were slaves? A No, sir, unless she might have been his; he sent her up there from here, and she might have belonged to him; I don't know; his wife, she was a mulatto woman.

Q You are sure he was a full blood Choctaw Indian? A Yes, sir; my father has told me many times, and one of my little girls, if you could see her now, you wouldn't tell her from a Choctaw. My father said she was always like his father.

Q How long did Rhodes Revels live up in Ohio? A I don't know, sir, my father was educated there, and came south; I suppose he was there a pretty good while.

Q Do you know whether he spoke or understood the Choctaw language? A Yes, sir; my father could, and he used to speak some kind of language we didn't know anything about, just to amuse us.

Q Do you know whether it was the Choctaw language or not? A I suppose so, he said his father talked that way.

Q Do you know when, with reference to the birth of your father, it was that Rhodes Revels moved from Mississippi north? A It was just before he was born; he was about seventy when he died this year. He was along in there; I don't know just exactly.

Q What part of Mississippi did he move from? A Who, my father's father?

Q Yes? A I don't know, sir; I just always heard him say his father was from Mississippi, and when he was grown he had a desire to come to Mississippi, to come back here and spend his life south.



Dora R. Leonard, et al., 3.

Q What was the name of your father's mother? A Mary.

Q Are you married? A I have been married, yes sir.

Q Is your husband living? A No, sir; he is dead.

Q What was his name? A Clarence Leonard.

Q Did he have any Choctaw blood? A No, sir.

Q Have you ever been married more than once? A No, sir.

Q Have you any children? A Three.

Q Give their names and Ages? A Phoebe, ten.

Q The next one? A Little B. eight.

Q The next one? A Marguerite.

Q How old? A Six.

Q These children all living with you? A They are in Chicago; I carried them up there with me when I went.

Q I mean living with you? A Yes, sir.

Q Are they all three the children of yourself and Clarence Leonard?

A Yes, sir.

Q This application, then, is for yourself and three minor children?

A Yes, sir.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?

A No, sir, I guess not.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or either of these children to be admitted or enrolled as members of that tribe? A No, sir; I never did.

Q Did any one else ever make such an application for you? A No, sir.

Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation for yourself or either of these children under the Act of Congress of June 10, 1896?

A No, sir.

Q Then, none of you have ever been admitted to citizenship in the Choctaw Nation by either the tribal authorities or the United States authorities, have you? A No, sir.

Q Have you ever made any application of any kind before to-day to this Commission? A No, sir; I have heard my father speak about it, but he always thought it was for just the full blood, you know; that if his father had been here he could have applied you know, or something like that; he didn't know about the halves and quarters or anything.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes, sir.

Q Are you familiar with that 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q You understand it thoroughly? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article? A Not that I know of.

Q Were any of them living here in Mississippi in the year 1830, when this treaty was made? A No, sir; I don't know that they was about that time; when my father was born - his father might have been here, but he came shortly afterwards; I don't know about that.

Q Did any of them own an improvement here at that time? A Not that I know of.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know anything about away back there.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw

Dora R. Leonard, et al., 4.

tribe between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi know that they wanted to stay here in Mississippi and take land and become citizens of the States under article 14 of the treaty? A Not that - did any of them know it?

Q Did any of them let the agent know they wanted to stay here and take land? A No, sir; I don't guess they did; I never heard of it.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under this 14th article of the treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A No, sir; I don't know.

Q Did any of them ever receive any money from the Government? A You are speaking of my father?

Q I am talking about your ancestors? A No, sir; none of them that I know of.

Q As far as you know of? A No, sir; I don't know.

Q So far as you knew, none of them ever received any land here in Mississippi, or any money, from the Government? A No, sir.

Q Did you ever see, or hear of any deed or patent issued to any of your ancestors covering land here in Mississippi received from the Government under this treaty? A No, sir; never did.

Q Did you ever hear of any of your ancestors ever having lived in Indian Territory? A No, sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here and become citizens of the States and take land under this 14th article of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi, when this tract of country that they bought from the Choctaws was sold, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This, of course, caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress approved

Dora R. Leonard, et al., 5.

on the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of these cases, so it became necessary for Congress to make further provision, to enable the remainder of these Indians to be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This second commission was appointed by the President of the United States, and the commissioners came down here in the early forties and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No, sir; none that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in place of that land, land elsewhere in Mississippi, or over in Louisiana, or Alabama, or Arkansas from vacant Government land, and that he should be given a certificate to that effect. These certificates were called scrip. D

Q Did any of your ancestors receive any of this scrip from the United States Government under this Act of Congress? A No, sir; none that I know of.

Q Do you know any old person living who would likely be informed as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under it? A No, sir; none of the old folks that knew them over here are dead too.

Q Have you any witnesses here to-day? A I have my sister and brethren-in-laws, and two young men that were well acquainted with my father, and who know just what I know of them.

Q What is your sister's name? A Ida R. Redmond.

Q What are the other witnesses' names? A S. D. Redmond, P.W. Howard, Henry Williams and Bliss Hall.

Q What do you expect to prove by these witnesses? A I want to prove that my father's father was a full blood Choctaw Indian, and his statements.

Q Any of them know your father's father? A No, sir; I suppose he was dead before they were born.

Q How do you expect to prove? A By- you know, the statement that I have made; what we have always learned through our father about his father and family.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments

Dora R. Leonard, et al., 6.

here in Mississippi this fall, or at from January 15th to February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the general office of the Commission at Muskogee, Indian Territory, and their testimony will be taken.

- Q How many sisters have you? A Two, one of them is Ida Redmond.  
Q What is the other one's name? A Susie Cayton.  
Q Where does she live? A Seattle, Washington.  
Q Have either of these sisters been before the Commission? A No, sir.  
Q One of them is here to-day? A Yes, sir, Ida Redmond.  
Q Did you ever have any other sisters? A Yes, sir; I have one that died just this past June a year ago.  
Q Did any of those sisters who are dead leave children? A Yes, sir; she left a little girl, and then I have a sister that died this coming August will be three years ago.  
Q Did she leave any children? A No, sir; she didn't marry.  
Q What is the name of this little girl that your sister left? A Emma Houston.  
Q Where does she live? A With my other sister out in Seattle Washington.  
Q Did you ever have any brothers? A No, sir; if I did, they died in infancy.  
Q Are any of your father's brothers or sisters living? A They are all dead, I think.  
Q Did any of them leave children? A I think the whole family of them have died out; we don't know of any of them living.  
Q Do you speak or understand the Choctaw language? A No, sir.

(This applicant has the appearance of being possessed of a mixture of white and negro blood, in which the white blood largely predominates; she shows no indication of being possessed of Indian blood, neither does she speak or understand the Choctaw language.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 10th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Carthage, Mississippi, this 16th day of December, 1901.

*L. B. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

*2.10.11*  
*C. W. W.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Dora R. Leonard, et al., for identification as Mississippi Choctaws, consolidating the applications of:

|                          |             |
|--------------------------|-------------|
| Dora R. Leonard, et al., | M.C.R. 4373 |
| Ida R. Redmond, et al.,  | M.C.R. 4372 |

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Dora R. Leonard for herself and her three minor children, Phoebe, Little B., and Marguerite Leonard; and by Ida R. Redmond for herself and her minor child, Esther M. Redmond, under the following provision of the act of Congress approved June 20, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Rhodes Revels, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).


It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Rhodes Revels, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 160) and

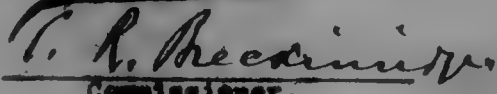
August 23, 1902 (8 Stats., 513).

It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dora R. Leonard, Phoebe Leonard, Little B. Leonard, Marguerite Leonard, Ida R. Redmond, and Esther M. Redmond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

AUG 8 1902

-1- COPY -1-

Land.  
47,871-1902.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs,

Washington, Jan. 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application of Dora R. Leonard for herself and her three minor children, Phoebe, Little B., and Marguerite Leonard, and by Ida R. Redmond for herself and her minor child, Esther M. Redmond, as Mississippi Choctaws.

On August 8, 1902, the Commission decided that the evidence submitted by the applicants was insufficient to identify them as Mississippi Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830.

An examination of the record evidence shows that the applicants are not of the full blood and further shows that they are the descendants of Hiram Revels and through him of Rhodes Revels, through whom they claim.

The office records have been examined and nowhere show that any person by the name of Rhodes Revels ever complied with the provisions of the 14th article of said treaty or received a patent for land thereunder.



-:- 3 -:-

The record evidence in no way supports the claims of the applicants and the office therefore considers that the decision of the Commission herein should be affirmed, and so recommends to the Department.

Very respectfully,

W. A. Jones,  
Commissioner.

(W.C.B.)

P.

Muskogee, Indian Territory, March 10, 1902.

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony in the matter of the application for identi-  
fication as Mississippi Choctaws of Ida R. Redmond and her minor  
child,

---

Attorney for applicants.

*Arden W. Jones*

COPY.

Muskogee, Indian Territory, August 8, 1902.

Dora R. Leonard,  
4718 Dearborn St.,  
Chicago, Illinois.

Dear Madam:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dora R. Leonard, et al., embracing the following applications for identification as Mississippi Choctaws:

Dora R. Leonard, et al., M.C.R. 4373  
Ida R. Redmond, et al., " 4372.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end to administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dora R. Leonard, Phoebe Leonard, Little B. Leonard, Marguerite Leonard, Ida

#2.

R. Redmond, and Esther M. Redmond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

*Fame Dickey.*

Acting Chairman.

Registered.

M.C.R. 4373.

Muskegee, Indian Territory, August 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Dora R. Leonard, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

|                          |             |
|--------------------------|-------------|
| Dora R. Leonard, et al., | M.C.R. 4373 |
| Ida R. Redmond, et al.,  | " 4372.     |

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*Tame Dixey.*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
1 inclosure.

COPY

Muskogee, Indian Territory, August 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dora R. Leonard, et al., embracing the following applications for identification as Mississippi Choctaws:

|                          |             |
|--------------------------|-------------|
| Dora R. Leonard, et al., | M.C.R. 4373 |
| Ida R. Redmond, et al.,  | " 4372.     |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 494) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dora R. Leonard, Phoebe Leonard, Little B. Leonard, Marguerite Leonard, Ida R. Redmond, and Esther W. Redmond, as Choctaw Indians entitled to

#2.

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

*James Ditty,*  
Acting Chairman.

--:-- COPY --:

D.C. 3965

ITD.272-1903.

EAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N .

February 6, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 8, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Dora R. Leonard and her minor children, Phoebe, Little B. and Marguerite Leonard; and of Ida R. Redmond and her minor child, Esther M. Redmond.

The record shows that the applicants are descendants of Hiram Revels who was the son of Rhodes Revels, through whom the applicants claim the right of identification. It is alleged that Rhodes Revels was a full Blood Choctaw Indian. The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Rhodes Revels, or a less remote ancestor, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat. 180), and August 23, 1842 (5 Stat., 513).

You refused the application August 8, 1902. Forwarding the papers January 14, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed. Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

1 inclosure.

Thos. Ryan,



COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dora R. Leonard, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

*Irene Dixby.*  
Chairman

W. O. B.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4373

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

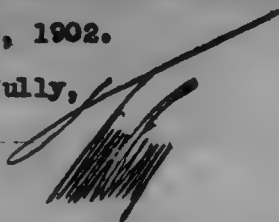
Muskogee, Indian Territory, February 21, 1903.

Dora R. Leonard,  
4718 Dearborn St.,  
Chicago, Illinois.

Dear Madam:-

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dora R. Leonard, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,



Acting Chairman

Consolidated Case  
of  
Dora R. Leonard et al.

4393

mcr  
4373

Dora R. Revels 32- $\frac{1}{4}$

married

Clarence Leonard  
dead

Hiram R. Revels 70- $\frac{1}{2}$   
dead

mcr  
4373

Phoebe Leonard 10

" Lillie B. " 8

" Marguerite " 6

Wife

mcr  
4372

Ida R. Revels 28- $\frac{1}{4}$

married

Sidney D. Redmond

mcr  
4372

Esther M. Redmond 2

Susie R. Revels

married

X Gayton

X Revels  
dead

married

P. W. Howard

X Revels  
dead

married

X Houston

Emma Houston

Rhodes Revels f. b.

Phoebe Ann Revels  
(mulatto)  
dead

#1545

No. 4373

For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date

DEC 10 1901

Name Lora R. Leonard

Age 32

Blood  $\frac{1}{4}$ 

Post Office,

4718 Dearborn St.  
Chicago, Ills.Father: Niram R. Revels ( $\frac{1}{2}$ ) d.

Mother: Thobe " d.

Claims through father  
husband Clarence Leonard d.(Claims for self used in minor  
children)

Children:

Thobe Leonard 10

Lillie B. " 8

Marguerite " 6

(Applicant claims through  
father's father Rhodes Revels  
whom she claims was a full blood  
Choctaw).

Stenographer

R. S. Streit

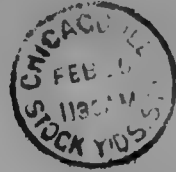
THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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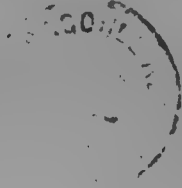
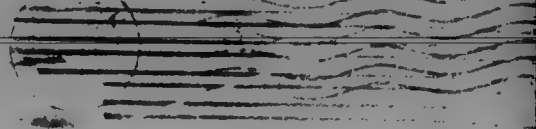
APR 3 1903

*Wm. H. H. H.*

CHAPMAN



HOT SPRINGS, ARK.  
FEB 3 6 AM



4373



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

**APR 8 1903**

*[Handwritten signature]*

CHAIRMAN.



1903



HOT SPRINGS, ARK.  
FEB 20 6:30 AM '03



*[Handwritten signature]*

4373

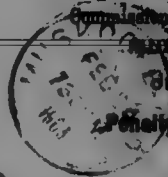
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MOOREHEAD, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Dora R. Leonard,

4718 Dearborn St.,

Chicago, Illinois.

*Handwritten signature and scribbles.*



Choctaw MCR 4374

Tobitha Snell

See MCR 4879

MCR 4374

DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes.

In the matter of the application of Tobitha Snell, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of -

Tobitha Snell, et al., M. C. R. 4374  
Susie C. Snell, " 4379

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---- I N D E X ----  
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 16, 1901.

#4374

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In the matter of the application of Tobitha Snell for the identification as Mississippi Choctaws of herself and her minor child, Arthur Snell.

Applicant not represented by attorney.

Tobitha Snell, being first duly sworn, on her oath testified as follows:

Examination by the Commission:

- Q What is your name? A Tobitha Snell.
- Q What is your age? A I am sixty-----seven. In my sixty-seventh year. I was sixty-six last June.
- Q How much Choctaw blood do you claim to be possessed of?
- A Well, my grandmother was full blood Choctaw.
- Q How much does that make you? A I guess it would make me one-fourth.
- Q Then you claim one-fourth do you? A Yes sir.
- Q What is your post office address? A It is here at Muskogee. I live here in town.
- Q How long have you lived in Muskogee? A Since last July.
- Q Where did you live before that? A Chadron, Nebraska.
- Q Were you born there? A No.
- Q Where were you born? A In Kentucky.
- Q In Kentucky? A Yes sir.
- Q Did you ever live in Mississippi? A No, my grandmother did.
- Q I am asking about you? A No, I never lived in Mississippi.
- Q Is your father living? A No sir.
- Q How old would he be if living now? A About seventy; between seventy and eighty.
- Q Now you say your father would be about seventy or eighty if living now, and you are sixty-seven yourself? A He would be older then of course.
- Q When did your father die? A When I was small.
- Q Do you know when? A I don't.
- Q Where did your father die? A In Missouri. They taken him away from my mother.
- Q Then you don't know how old your father was when he died?
- A No sir.
- Q What was your father's name? A Peter Harris.
- Q Is your mother living? A No, she's not living.
- Q What was your mother's name? A Charity.
- Q Charity? A Yes sir.

Tobitha Snell--2.

- Q How old would your mother be if living? A I guess she would be up into about eighty or ninety years I reckon. She was up in years when she died. Its been between seventeen and eighteen years old. I looked this morning to find the death card so I wouldn't have any trouble. They sent me a death card when she died-----
- Q Where did she die? A Louisville, Kentucky.
- Q Through which one of your parents do you claim Choctaw descent?
- A My mother and grandmother.
- Q I asked which one of your parents; your mother or your father?
- A Oh, my father had no Choctaw blood.
- Q Then you claim through your mother? A Yes, all on my mother's side. Mother had no negro blood whatever; she was Choctaw and white; that's what the folks that raised me always said that; but my father was as black as people is made; couldn't make them any blacker.
- Q Did your mother ever live in the state of Mississippi?
- A Not that I know of.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Ben Snell.
- Q I want his full name; what is his given name? A Ben.
- Q Ben Snell? A Yes sir.
- Q Of what race is he? A Why he claims to be a half breed Indian, but not the Choctaw.
- Q What is he? white man, Choctaw, or Negro and Choctaw or what?
- A Some of those other tribes; I cant think just now.
- Q Negro and Indian is he? A Yes sir.
- Q He makes no claim to Choctaw blood? A No sir.
- Q You make no claim for him? A I don't know whether I can or not.
- Q The law authorizes the Commission to hear applications of Choctaw Indians claiming rights under article fourteen of the treaty of 1830. Now he has got no Choctaw Indian blood in him you say?
- A No, he doesn't claim that. I am trying to tell what he claims, but cant get it into my head.
- Q You make no claim for your husband at all? A No sir.
- Q Have you any children unmarried and under the age of twenty-one you want to make application for? A Yes sir, I have one.
- Q What is the name and age of that child? A Nineteen.
- Q What is the name? A Arthur.
- Q Then you claim for yourself and your minor child do you?
- A Yes sir.
- Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
- A Not as I know of.
- Q Is your name or the name of your minor child for whom you make application to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I know of. Not by my putting it down.
- Q Did you or anyone for you or for your minor child ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No.

Tobitha Snell--3.

- Q Did you or anyone for you or for your minor child in the year of 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you or your minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself and your minor child to either the Choctaw tribal authorities or the authorities of the United States to be admitted to citizenship or enrolled as a citizen of the Choctaw Nation?
- A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights to the Choctaw lands in the Indian Territory, for yourself and minor child, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded at Dancing Rabbit Creek in Mississippi, on September 27, 1830? A Yes sir.

This treaty was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western line. The object of the treaty of 1830 was to secure the removal of all the Choctaw Indians in the old Choctaw Nation, Mississippi, to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaws were unwilling to move to the new country west of the Mississippi river, but preferred to remain in Mississippi in what constituted the old Choctaw Nation. For the benefit of this class of Indians article fourteen was made a part of the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Tobitha Snell--4.

- Q Do you think you understand that article? A Yes sir, I think I do.
- Q What do you understand that article to mean? A Why that if I prove up, that I will have a title to them lands.

The fourteenth article required that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions, he should, within six months after the ratification of the treaty of Dancing Rabbit Creek, signify that intention to the Agent, that is, tell the Agent that he desired to remain in the old Choctaw Nation in Mississippi and Alabama and take advantage of the provisions of this fourteenth article. This treaty was ratified on the 24th day of February, 1831. Now, after a Choctaw had signified his intention of remaining in the states and becoming a citizen of the states he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, and for each child over ten years of age a half section, and each child under ten years of age a quarter section or one hundred and sixty acres, to adjoin the location of the parent. If they stayed upon said lands for five years after the ratification of this treaty intending to become citizens of the states, in that case, a grant in fee simple was issued. This reservation was to include improvements owned by the head of the family at the time this treaty was concluded, that is, any improvements that he owned on September 27, 1830. The last clause is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw preferred to remain in Mississippi and accept lands under the provisions of this fourteenth article, he should not, by so doing, forfeit his rights to citizenship in the new Choctaw Nation, Indian Territory, but he would forfeit any rights which he might have to the Choctaw annuity. Annuities was money which became due annually to the Choctaw tribe of Indians under treaty of the United States government.

- Q Now do you think you understand it? A I think I do.
- Q What was the name of your Choctaw ancestor who resided in Mississippi in 1830? A She was named Tobitha.
- Q Tobitha what? A Tobitha McCoy.
- Q How much Choctaw blood did she have? A She was a full blood. That's what they always told me.
- Q Now you claim your Choctaw blood from your mother, Charity Harris? A Yes sir.
- Q What relation was Charity Harris to Tobitha McCoy?
- A Tobitha McCoy was her mother.
- Q Was Tobitha McCoy married and the head of a family in Mississippi in 1830? A She was brought from there a squaw and sent back.

Tobitha Snell--5.

- Q Now did Tobitha McCoy live in Mississippi at the time this treaty was concluded? A Yes sir, that's what they told me.
- Q Who told you? A My mother and my guardian said that we was all Indians from there.
- Q You say your guardian? A Yes sir.
- Q What do you mean by guardian? A My mother was bound to a family by the name of Mattocks and we always lived with them.
- Q That isn't answering my question yet; did Tobitha McCoy live in Mississippi in 1830? A Yes, she was there.
- Q Was she married and the head of a family at that time?
- A I don't know---she and her husband had parted---
- Q Did you ever see your grandmother Tobitha McCoy? A No sir.
- Q Do you know where she died? A They say she died in Mississippi. My mother used to get letters from her once in a while.
- Q Do you know when and where your father and mother were married?
- A Woodford, Kentucky.
- Q Do you know what year your mother and father were married?
- A No sir, I don't.
- Q Have you any brothers or sisters older than yourself?
- A I am the oldest of the family.
- Q Oldest of the family? A Yes.
- Q Do you know how long your father and mother had been married before you were born? A I don't.
- Q Was this Choctaw ancestor of yours recognized as a member of the Choctaw tribe of Indians who lived in Mississippi and Alabama after the time this treaty was made, September 27, 1830?
- A They say she was.
- Q Who said so? A Well our guardian; that is the white man that raised us. They sent her back to the reservation because she wouldn't work. They always told us that she was one of the Indians that wouldn't work. She was wild.
- Q Have you any proof of any kind, any documents or papers that would show that she was a recognized member of the Choctaw tribe of Indians? A No, I haven't.
- Q Do you know of any witnesses who are living that would come before this Commission and testify that she was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830?
- A I think I have.
- Q What are the names of these witnesses? A They are not here.
- Q Who are they? A There's different people in Kentucky that I know. If they are living I can get them.
- Q What is the name of the people? A Mattocks.
- Q Did they live in Mississippi? A No.
- Q How would they know that Tobitha McCoy was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830?
- A She was sent back there to them because she was among some of the tribes that-----my grandfather tried to live with her and said she wouldn't be civilized.
- Q Then you don't have any proof to offer this Commission that she, that is, your grandmother, was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830? A Yes sir, I can get proof.
- Q What is this proof going to consist of? What kind of proof are you going to give? A Well, I will write to Kentucky and get proof there.



Tobitha Snell--6.

- Q Will these people come before the Commission? A I think they will. If they don't, I can have some depositions taken.
- Q If you can't get these witnesses to come before the Commission in person, you intend to have depositions taken? A Yes sir, I can have them taken before a notary public can't I?

Depositions of persons who are unable to appear before the Commission can be taken under the rules and regulations governing the taking of such depositions.

- Q Did any of your Choctaw ancestors own any improvements at the time this treaty was made in Mississippi and Alabama?
- A I don't know if they did.
- Q By improvements I mean improved land on which they had houses?
- A I don't know if they did.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, at the time of the removal of the Choctaw Indians to the Indian Territory, between 1833 and 1838? A I don't think so.
- Q Did any of your Choctaw ancestors within six months after the ratification of this treaty, that is, within six months after the 24th day of February, 1831, signify to the Agent of the government in Mississippi, their intention to stay in Mississippi and take lands under the fourteenth article of this treaty?
- A I don't know.
- Q Did any of your Choctaw ancestors ever receive or claim any lands under the fourteenth article of that treaty? A None that I know of.

In accordance with the provisions of this treaty, the government directed an Agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi and become citizens of the states. The records of the government show that this Agent failed to register and report to the government all the names of the Choctaws who did signify their intention to remain in Mississippi and take advantage of this fourteenth article. On this account, in many instances, land on which Indians had improvements and which they desired to reserve, was sold by the government at its public land sales, and the Indians were thus deprived of their lands. This action of the government caused complaints by the Choctaws which finally reached Congress, and Congress, under various acts, appointed a Commission to go to Mississippi and investigate these claims. These Commissions investigated a number of claims and claims were allowed after they were approved by the Secretary of War and the President, and if these lands had not been sold the Indian was put in possession of them. If, however, the lands had been sold, the Indians were given scrip in lieu of the lands they had lost, and this scrip entitled them to locate on vacant land of the government in the states of Mississippi, Louisiana, Arkansas or Alabama.



Tobitha Snell--7.

- Q Did any of your Choctaw ancestors appear before any Commission of the United States government in Mississippi and Alabama and attempt to prove their claims to any lands which they might have held under this fourteenth article? A Not as I know of.
- Q Did any of your Choctaw ancestors own land in Mississippi, Alabama, Louisiana or Arkansas.
- Q Did they receive any scrip from any of these Commissions?
- A Not a cent that I know of.
- Q Did any of your Choctaw ancestors receive any lands from the United States government as Choctaw Indians? A Not as I know of.
- Q Did any of your Choctaw ancestors receive any benefits then as Choctaw Indians from the United States government? A Not as I know of.
- Q Do you know of the existence of any documentary evidence (by documentary evidence I mean papers that you could file with this Commission) that would tend to show that your ancestor lived in Mississippi in 1830 at the time this treaty was made, and that they received lands under article fourteen of this treaty?
- A I cant say; I don't know.
- Q Do you know of any living witnesses that you could bring before this Commission who could testify that your Choctaw ancestors lived in Mississippi at the time this treaty was made, and that they did go before this Indian Agent and tell him they wanted to stay there and take lands under article fourteen?
- A No I cant----I don't know.
- Q You claim that your mother, Charity Harris, was part Choctaw; how much Choctaw blood did she have? A Half-breed.
- Q What was the other half? What kind of blood was the other half?
- A White; that's why we couldn't be sold, because mother was Indian and white.
- Q Were you ever a slave? A I wasn't a slave that could be sold. He had to work. I was bound to those people.
- Q How were you bound? A Our folks had several offers to sell me, but they said I was part Indian and couldn't sell me. I never was sold. I always lived in the family, but never sold.
- Q Was your mother a slave? A No, she wasn't.
- Q Was your father a slave? A Yes, he was a slave. He didn't belong to our people.
- Q You say you were bound to these people; what are their names?
- A Mattocks.
- Q How did they come in possession of your----? A My grandfather---my mother's father---when he---Indian lived with his squaw---bound my mother to Mrs. Mattock.
- Q Bound your mother to Mrs. Mattock? A Yes sir.
- Q How could she be bound to Mrs. Mattock when you say she was not a slave? A Well, they couldn't sell her.
- Q Isn't it a fact that you was a slave of these Mattocks?
- A We was subject to their order. They couldn't sell us, and I was the only one they got out of the state of Kentucky and I was to went back. They couldn't take my mother out of the state.
- Q This all happened in Kentucky? A Yes sir, just taken me out to Texas and I was to go back.
- Q After the close of the civil war were you not given your freedom?

Tobitha Snell--8.

- A Well, I just left. I was married to this man before the war.
- Q Was your husband a slave? A Yes, he was a slave.
- Q Have you any witnesses you want to bring before the Commission to-day to testify in support of your application? A No.
- Q Have you any papers that you want to file with the Commission to-day? A No sir, I haven't.
- Q Have any of your kinfolks ever been before the Commission and applied for identification as Mississippi Choctaws? A Not as I know of.
- Q Have you any brothers or sisters living here? A Yes sir.
- Q What are their names? A Jim.
- Q Jim what? A Jim.
- Q Do they claim Choctaw blood? A Same as I do; weall the same mother.
- Q What is his name? Jim what? A Jim Burns.
- Q Jim Burns? A Yes sir.
- Q A half brother of yours? A Yes.
- Q What other brother or sister have you got? A One brother named Dupey. All the rest is dead. There are some nephews and nieces.
- Q Are they the children of Jim and Dupey Burns? A No, children of the parents that's dead.
- Q What's the name of the parents that's dead? A I think my sister married a man by the name of Parent. She has four or five children.
- Q All under twenty-one years of age? A Well, I cant'x say that. She has three under age.
- Q Do you know any of their names over twenty-one? A I think she has a boy named Thomas.
- Q His name was Thomas Parent? A Yes sir, as near as I can give it.
- Q Do you know if any of them have been before the Commission?
- A None that I know of.
- Q Is there any other statement you want to make at this time in support of your application? A No sir, nothing.
- Q Do you speak or understand the Choctaw Language? A No sir.

This applicant has black kinky hair slightly mixed with gray. The features and appearance of the person is of African descent; does not speak or understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

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Tebitha Snell--9.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 16th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

Subscribed and sworn to before me this 19th day of December, 1901.

  
Commissioner.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. February 1, 1902.

In the matter of the application for identification as Mississippi Choctaws of Tobitha Snell, et al., M.C.R. 4374.

S. Heard, attorney representing applicants.

Peter Campton being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Peter Campton.  
Q What is your age? A Seventy-three since the 16th of July past.  
Q What is your post office address? A Muskogee, Indian Territory.  
Q What is your occupation? A Contractor and Builder.  
Q How long have you lived in Muskogee? A It will be fifteen years the fourth of July coming.  
Q Do you now come before the Commission in order to give testimony in reference to this application of Tobitha Snell for identification as Mississippi Choctaws? A Yes sir.

Examination by S. Heard.

- Q I will get you to state if you ever was in Mississippi and what year it was? A I was in Mississippi in the fall of '58 and '59.  
Q I will get you to state to the Commission if you knew the mother of the applicant Snell there in that state? A Well, that was Mrs. Coy.  
Q You know her given name? A Bertha-----Arbartha---.  
Q The applicant here gives her name was Charity? A Well that means her mother.  
Q Well I am talking about the applicant Mrs. Snell's mother? A Well they was running an Indian school at the time I got acquainted with them.  
Q You know anything about her being an Indian? A According to what I have seen since I come to this Country she must have been a full blood.  
Q How about her English? A She could talk tolerable well English but it was somewhat broken.  
Q How long did you know her? A Pretty near three or four months.  
Q You recollect what year that was? A In the fall of fifty-eight.  
Q You do not know where she died? A No sir I don't know whether she is dead at all. I never had any correspondence with them at all until here lately.  
Q Then of course you don't know anything about whether she was ever recognized by the tribal authorities as an Indian? A No sir.  
Q I will ask you if you knew whether she ever selected her land in Mississippi and signified her intention to remain in Mississippi under the treaty of eighteen hundred and thirty? A I don't know that she ever claimed any land.  
Q Did you know her husband? A Yes sir.  
Q Was he a white man or colored man? A No sir he was a white man, at least he claimed to be.  
Q Do you know whether she was married twice or not? A No sir I could not say.

Witness excused.....

Ben Snell being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Ben Snell.
- Q What is your age? A Seventy-one the eighth of last January.
- Q What is your post office address? A Muskogee
- Q Indian Territory? A Yes sir.
- Q What is your occupation Mr. Snell? A Polishing stoves, laying carpets etc.
- Q How long have you been a resident of the Indian Territory? A Since the 9th of last July.
- Q Where did you live before that? A Shadron, Nebraska.
- Q How long did you live there? A Fifteen years.
- Q Where were you born? A Born in Georgetown, Scott County, Kentucky.
- Q Are you the husband of Tobitha Snell this applicant? A I am sir.
- Q What is your blood; are you a full blood Negro? A No sir.
- Q What is your blood? A My mother was one-half Cherokee.
- Q You do not claim any Choctaw blood? A No sir.
- Q Part Cherokee and part Negro? A Yes sir.
- Q Were you a slave before the War? A I was sir.
- Q Is your wife a part colored woman? A Partly, her father was.
- Q Was she a slave before the War? A She always had a guardian.
- Q She was practically a slave? A Only she did not receive any compensation for her labor but she could not be sold.
- Q Did she have white people for her guardian? A Yes sir.
- Q I don't quite understand the situation, explain? A Well her grandmother was a Choctaw Indian and Mr. McCoy left her grandmother with Mr. Mattax.
- Q Well then this grandmother was a slave? A No sir; grandmother was an Indian. She would not work and after her, this girl, my wife became to be such a----well good sized girl Mr. McCoy wanted her and her mother too and Jim Mattox would not let him have her and he forbid any sale to be made of them. At that time my master was a speculator in negroes and horses
- Q What is your purpose now in coming before the Commission? A To testify about my wife's Choctaw blood.

Examination by S. Heard.

- Q I will get you to state if you knew your wife's mother;--did you know this gentleman Campton in Mississippi? A Yes sir.
- Q Can you describe to me how your wife's mother appeared, give her description as to whether she had Indian appearances, or what race she appeared to be? A She appeared to be the race of all the other Choctaws; she wore a blanket.
- Q Did she have long or short hair? A long hair.
- Q What amount would she indicate to be? A Full blood.
- Q Do you remember how she talked? A She could talk but I could not understand it. She could speak broken English.
- Q What year did you marry in? A In Fifty-eight, August 6th.
- Q In Mississippi? A Yes sir.
- Q How long did you live there after you married? A I lived there, I suppose, four or five years.
- Q Do you know or can you state of your own knowledge whether or not she was recognized by the tribal authorities as a Choctaw Indian? A Not to my personal knowledge; only by her grandmother. She did not have any chance they always kept her in the house.
- Q You cannot state of your own knowledge whether she was ever recognized by the tribal authorities as a member of the Choctaw tribe? A No only her mother, because they never allowed her to

#3

go out from the house.

- Q Do you know whether her ancestors, or your wife's mother ever selected their allotments in Mississippi under the treaty of eighteen hundred and thirty or not? A No sir.
- Q You do not know? A No sir.

Examination by the Commission.

- Q Your wife's mother's name is what? A Charity Harris.
- Q You do not know anything about your wife or any of her ancestors having complied with the provisions of article fourteen of the treaty of eighteen hundred and thirty? A I don't know sir.

Witness excused.....

G. Rosenwinkel having been duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 1, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of February 1902.

*G. Rosenwinkel*

Subscribed and sworn to before me this 1st day of February 1902.

*Charles Mitchell Wood*  
Notary Public.

J. H. Cow.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Tobitha Snell, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Tobitha Snell, et al.,           M C R 4374

Susie C. Snell,               M C R 4879

-----  
D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Tobitha Snell for herself and her minor child, Arthur Snell, and by Susie C. Snell for herself, under the following provision of the act of Congress approved June 25, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Tobitha McCoy, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Tobitha McCoy, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).



-2-

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tobie the Snell, Arthur Snell, and Susie C. Snell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*C. R. Breckinridge*  
\_\_\_\_\_  
Acting Chairman.  
  
(SIGNED) *I. D. Nacolee*  
\_\_\_\_\_  
Commissioner.  
  
(SIGNED) *C. R. Breckinridge*  
\_\_\_\_\_  
Commissioner.

Washita, Indian Territory,

OCT 29 1902

COPY.

M.C.R. 4374

Muskogee, Indian Territory, October 29, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tobitha Snell, et al., embracing the following applications for identification as Mississippi Choctaws:

Tobitha Snell, et al., M.C.R. 4374  
Susie C. Snell, " 4879

These applications were made under the provisions of the Act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tobitha Snell, Arthur Snell, and Susie C. Snell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

--2--

You are further advised that the applicants in this case will be allowed fifteen days from the date hereof and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*George S. May*  
Acting Chairman.

COPY.

M.C.R. 4374

Muskogee, Indian Territory, October 29, 1902.

S. Heard,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tobitha Snell, et al., embracing the following applications for identification as Mississippi Choctaws:

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Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tobitha Snell, Arthur Snell, and Susie C. Snell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

--2--

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tame Pines.*  
Acting Chairman.

Registered.

COPY.

M.C.R. 4374

Muskogee, Indian Territory, October 29, 1902.

Tobitha Snell,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 29th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tobitha Snell, et al., embracing the following applications for identification as Mississippi Choctaws:

|                        |             |
|------------------------|-------------|
| Tobitha Snell, et al., | M.C.R. 4374 |
| Susie C. Snell,        | " 4879      |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tobitha Snell, Arthur Snell, and Susie C. Snell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*W. H. H. H.*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Tobitha Snell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Tobitha Snell, et al.,  
Susie C. Snell,

M.C.R. 4374  
M.C.R. 4879

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*Tammie D. Mackey*  
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 4374



Land  
68827--1902

(Copy)

DEPARTMENT OF THE INTERIOR.  
Office of Indian Affairs.

February 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Tobitha Snell; for the identification of herself and her minor child, Arthur Snell; also the application of Susie C. Snell, for the identification of herself, as Mississippi Choctaws.

On October 29, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830.

An examination of the record evidence shows that the applicants herein base their claim on the fact that they are descendants of one Tobitha McCoy, whom they alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in 1830; but the record evidence and an examination of the records in this office fails to show that the said Tobitha McCoy ever complied or attempted to comply with the provisions of article 14 of said treaty, or received a patent for land thereunder. The record evidence does

-2-

show that none of the applicants are Choctaw Indians of the full blood.

By reason of the premises the office concludes that the said decision of the Commission is correct, and recommends that the same be affirmed by the Department.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

W.C.B. (E.)

Muskogee, Indian Territory, February 28, 1903.

Tobitha Snell,

Muskogee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, addressed to the Interior Department, Washington, D. C., which has been referred to this Commission for consideration and appropriate action. Therein you state "I am sure that I have a legal right here in the Choctaw Nation" and ask to be advised what steps to take to get your rights.

In reply to your letter you are advised that on October 29, 1902, the Commission rendered its decision refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws, and on the same date you were notified by registered mail of the action of the Commission and that you were allowed fifteen days from the date of said decision within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

On November 14, 1902, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Up to the present time the Commission has not been informed of any departmental action taken thereon. As soon

T S 2

as the Commission is advised of the decision of the Secretary you will receive due notice of the same.

Respectfully,

Chairman.

## DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N.

I.T.D. 2166-1903.

March 21, 1903.

L R S

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 14, 1902, you transmitted the record in the matter of the application of Tobitha Snell (M.C.R. 4374) Arthur Snell and Susie C. Snell for identification as Mississippi Choctaws including your decision of October 29, 1902, adverse to the applicants.

The principal applicant, Tobitha Snell, is the daughter of Peter and Charity Harris, the former a negro, and the latter a half blood Choctaw. Said principal applicant further attempts to trace her descent through her mother, said Charity Harris to her grandmother, one Tobitha McCoy, who she alleges was a full blood Choctaw.

The other applicants are the children of said principal applicant.

From an examination of the record it does not appear that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Charity Harris or Tobitha McCoy, through whom descent is claimed, or a less remote ancestor, complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830 or with the subsequent acts relating thereto.

The Acting Commissioner of Indian Affairs reporting in the

matter February 19, 1903, stated:

An examination of the record evidence shows that the applicants herein base their claim on the fact that they are descendants of one Tobitha McCoy, whom they allege to have been a full-blood Choctaw Indian and to have resided in Mississippi in 1830; but the record evidence and an examination of the records in this office fails to show that the said Tobitha McCoy ever complied or attempted to comply with the provisions of article 14 of said treaty, or received a patent for land thereunder. The record evidence does show that none of the applicants are Choctaw Indians of the full blood.

By reason of the premises the office concludes that the said decision of the commission is correct, and recommends that the same be affirmed by the Department.

The Department concurs in the recommendation of the Acting Commissioner. A copy of whose report is inclosed, and your decision refusing to identify the applicants is accordingly hereby affirmed.

Respectfully,  
T. hos. Ryan,  
Acting Secretary.

1 Inclosure.

COPY.

M.C.R. 4374

Muskogee, Indian Territory, March 30, 1903.

S. Heard,

Attorney-at-Law,

Mufaula, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Tobitha Snell, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

(SIGNED)

*Tams B. B. B.*

Chairman.

COPY.

Muskogee, Indian Territory, March 30, 1903.

Tobitha Snell,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Tobitha Snell, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

(SIC)  
*Tams Dixby.*  
Chairman.



COPY.

Muskogee, Indian Territory, March 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Tobitha Snell, et al., of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

*Tams Dixie.*  
chairman.

REFER TO M. C. R. 4374

Robt. Snell, et al

Consolidated Case

Tobitha McCoy, free, 2.

Charity Harris  
husband

Peter Harris, neg. 2.  
Burns 9

with  
4874

Tobitha Harris, 66 1/4

married

Ben Snell, (neg. & Ind. slave)

Jim Burns ?

Dupey Burns ?

\_\_\_\_\_ Burns or Harris ?

married

\_\_\_\_\_ Parent ?

with  
4879

Susie C. Snell, 23. 1/6

with  
4874

Arthur Snell, 19

Thomas Parent ?

## For Identification as a Mississippi Choctaw.

Date

DEC 16 1901

Name Jobitha Snell

Age

67

Blood

1/4

Post Office,

Muskogee I.T.

Father:

Peter Harris Bras

Mother:

Charity Harris Bras

Claims through

mother

Husband

Ben Snell

Negro &amp; Indian

no claim for him

Claims for self &amp; child

Children:

Arthur Snell

19

A. L. M. M. U.

Choctaw MCR 4375

John D. King

See MCR 146

MCR 4375

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 17, 1901.

-----c0e-----

In the matter of the application of John D. King for the identification as Mississippi Choctaws of himself and his two minor children, Annie Olive and George Aaron King.

Applicant represented by J. E. Arnold, attorney.

John D. King, being first duly sworn, on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A J. D. King.  
Q What's that "J" stand for? A John.  
Q John? A John D. King.  
Q How old are you? A Thirty-one.  
Q How much Choctaw blood do you claim to have? A One thirty-second.  
Q What is your post office address? A Birthright, Hopkins County, Texas.  
Q How long have you lived there? A Ten years.  
Q Where did you live prior to that time? A Part of the time in Louisiana; part of the time in Texas.  
Q Where were you born? A In Louisiana.  
Q Never lived anywhere except Louisiana and Texas? A No sir.  
Q Is your father living? A No sir.  
Q How old would your father be if living now? A He would be somewhere in sixty.  
Q What was your father's name? A Issiah Lee Flannigan King.  
Q Is your mother living? A No sir.  
Q How old would she be if living? A I declare I couldn't tell you. She died when I was very small.  
Q What was your mother's name? A Martha King.  
Q Through which one of your parents do you claim to get your Choctaw blood? A My mother.  
Q Where was your mother born? A She was born in Arkansas.  
Q Where did she live during her life time? A Arkansas, Louisiana and Texas.  
Q Did she ever live in Mississippi? A I don't know.  
Q Where did she die? A Died in Louisiana.  
Q Do you know what year? A No sir.  
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A No sir.

John D. King--2.

- Q Are you married? A Yes sir.  
Q Are you living with your wife? A Yes sir.  
Q What is the name of your wife? A Della May King.  
Q Has she any Indian blood? A No sir.  
Q Do you make any claim for her? A No sir.  
Q When and where were you married to your wife? A I was married at Sulphur Springs, Hopkins County, Texas, in '98.  
Q Who performed the ceremony? A Judge Connor.  
Q Married under a license? A Yes sir.  
Q Have you that marriage license and certificate with you?  
A No sir.  
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A I have two children.  
Q What are their names and ages? A One is sixteen months old---Annie Olive King.  
Q What is the name of the next one? A George Aaron.  
Q How old is this one? A He's an infant.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of yourself and wife in support of the application for your minor children, which you can do by either filing with the Commission the marriage license and certificate or a certified copy of the same.

- Q These children are the children of yourself and Della May King?  
A Yes sir.  
Q And living with you? A Yes sir.  
Q And get their Choctaw blood from the same source you do?  
A Yes sir.  
Q Then this application is for yourself and two minor children?  
A Yes sir.  
Q Is your name or the name of any of your children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.  
Q Did you or anyone for you or for your children ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No sir.  
Q Did you in the year of 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.  
Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Have you ever made application prior to this time for yourself or any of your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation?  
A No sir.  
Q Do you appear before the Commission at this time for the purpose of obtaining rights to the Choctaw lands in Indian Territory, for yourself and minor children under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded in Mississippi in 1830? A Yes sir.

John D. King--3.

This treaty was entered into on the 27th day of September, 1830, between the United States government and the Choctaw Indians who at that time occupied a portion of the state of Mississippi, and a small portion of the state of Alabama lying along the western line. The object of the treaty was to secure the removal of all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new country west of the Mississippi river. At the time the treaty was made some of the Choctaw Indians did not want to remove but preferred to remain in the old Choctaw Nation. For the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did you ever hear of that article of that treaty before?  
A Ever hear of it?  
Q Yes? A No sir.  
Q Ever read it? A No sir.  
Q Then you never had it explained to you? A No sir.

That fourteenth article requires that in case a Choctaw desired to remain in the state of Mississippi and become a citizen of the states and accept benefits under that fourteenth article, that he should, within six months after the treaty was ratified, the treaty being ratified on the 24th day of February, 1831, signify to the Agent, that is, let him know that he intended to remain in the state and accept benefits under that fourteenth article. When he had done this he was entitled to a reservation of six hundred and forty acres of land, said section to be bounded by sectional lines of survey; and for each child living with him over ten years of age one half that quantity; and for each child under ten years of age a quarter section; the reservation of the children to adjoin the reservation of the parents and to include the improvement of the head of the family at that time--September 27th, 1830--when the treaty was concluded. This Article further required that any Choctaw who signified his intention to remain in Mississippi and reside upon said lands for five years, should reside upon said lands for that time and at the



John D. King--4.

expiration of that time would be given a title in fee simple, enabling him to dispose of his lands at his pleasure. Persons who claimed under this article any lands or right as Choctaws did not lose the privilege of a Choctaw citizen, but if they ever removed were not to be entitled to any portion of the Choctaw annuity. That means if a Choctaw remained in the state of Mississippi and complied with the provisions of the fourteenth article he did not forfeit his rights to citizenship in the new Choctaw Nation, Indian Territory, but did forfeit his rights to any of the annuities. Annuities was money which became due annually to the Choctaw tribe of Indians under treaty provisions.

- Q Now do you think you understand it? A Yes sir.
- Q What is the name of your ancestor who resided in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was concluded, September 27, 1830? A I don't understand you.
- Q What is the name of your ancestor who resided in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was concluded, September 27, 1830? A Sarah Bolt.
- Q What relation was Sarah Bolt to you? A She was my grandmother.
- Q You claim your Choctaw blood from your mother, Martha King; what relation was Martha King to Sarah Bolt? A Sarah Bolt was my mother's mother.
- Q Was that Sarah Bolt her maiden name? A Yes sir.
- Q What was her married name? A Carter.
- Q Then your mother, Martha King, was a Carter before she married, and was a daughter of Sarah Bolt? A Yes sir.
- Q How much Choctaw blood was Sarah Bolt possessed of? A Why she was one-eighth.
- Q One-eighth? A Yes sir.
- Q Did this Choctaw ancestor of yours ever comply or attempt to comply with the provisions of this article fourteen which I have just explained to you? A I don't know.
- Q Was Sarah Bolt married to her husband and the head of a family at the time this treaty was concluded, September 27, 1830?
- A I don't know that either.
- Q Do you know when Sarah Bolt died? A No sir.
- Q Did she die before you was born? A Yes sir.
- Q Was Sarah Bolt ever recognized as a member of the Choctaw tribe of Indians at the time of the conclusion of this treaty?
- A I don't know that either.
- Q Did this Choctaw ancestor of yours own improvements in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was concluded? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation, Indian Territory, between 1833 and 1838, at the time of the removal of the Indians from Mississippi to the Indian Territory?
- A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of this treaty by Congress, that is, within six months from the 24th day of February, 1831, appear before the United States Indian Agent for the government and signify their intention to remain in the state of Mississippi and accept benefits under this fourteenth article? A I don't know.

John D. King--5.

- Q Did any of your Choctaw ancestors receive lands from the United States government in what constituted the old Choctaw Nation in Mississippi and Alabama as Choctaw Indians? A I don't know.

In accordance with the provisions of this fourteenth article the government directed the United States Indian Agent in Mississippi to register the names of all those Choctaws who desired to remain in Mississippi and become citizens of the states. The records of the government show that this Agent failed to register and report to the government the names of all Choctaws who signified their intention to remain in the state of Mississippi and take advantage of this article. On this account, in many instances, land on which the Choctaws had improvements was sold at public land sales of the government. This caused complaints by the Choctaws and these complaints finally reached Congress, and the Congress of the United States, under various acts, appointed Commissioners to go into the state of Mississippi and investigate these claims. These Commissioners investigated a number of claims, and those claims that they allowed had received the approval of the Secretary of War and the President. If the lands had not been sold, the Indian was put in possession of them; but in case the lands had been sold, the Indians were given scrip in lieu of those lands they had lost on account of the lands having been sold, and with this scrip the Indians were entitled to locate on vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish rights as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own land in the state of Louisiana, Alabama, Mississippi or Arkansas? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any scrip from any of these Commissions in lieu of lands having been sold by the government? A I don't know.
- Q So far as you know, were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? (I mean recognized by the Choctaw tribal authorities of the Nation as members of that tribe?) A I don't know.
- Q Have you any witnesses before the Commission that you want to introduce to testify in support of your application? A Yes sir.
- Q What are the names of those witnesses? A Jim Carter, Henry Battle and Julia C. Byrd.
- Q You want those witnesses to testify as your being a descendant of Sarah Bolt? A Yes sir.
- Q Can those witnesses give any information to the Commission as to whether your Choctaw ancestor complied or attempted to comply with this fourteenth article of this treaty? A Well, I don't know.
- Q Have you any documentary evidence such as deeds or patents or papers of any kind that show your Choctaw ancestor received any lands as Choctaw Indians? A No sir.
- Q Have you any written evidence that you desire to offer in support of your application at this time? A No sir.

Jehn D. King--6.

- Q Have you any relatives who have been before this Commission prior to this time and made application for identification as Mississippi Choctaws? A I have relatives that has been before.
- Q What are their names? A J. M. Carter, G. R. Carter and Elizabeth Allen.
- Q What relation is Elizabeth Allen to you? A She's an aunt.
- Q Is she a sister of your mother? A Yes sir.
- Q What relation is J. M. Carter to you? A Uncle.
- Q Brother to your mother is he? A Yes sir.
- Q Do all of these relatives of yours derive Choctaw blood from the same source that you do? A Yes sir.
- Q Do you desire the record in their case to be considered a part of the record in your case? A Yes sir.
- Q Is there any further statement you would like to make in support of your application? A No sir.

Reference is made to M.C.R. 146, J. M. Carter; M.C.R. 147, Elizabeth Allen et al.; M.C.R. 151, George R. Carter et al..

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has black hair, dark brown eyes, medium complexion; doesn't speak or understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Applicant excused.

Applicant recalled and examined by the Commission:

- Q Have you any brothers and sisters ever the age of twenty-one who are living? A I have got one brother.
- Q What is his name? A James William King.
- Q How old is he? A Thirty-three.
- Q Is he married? A No sir.
- Q Has he ever been before the Commission and made application? A No sir.
- Q Have you any sisters married and have families? A No sir.
- Q That's your entire family--just yourself and family and brother? A Yes sir.
- Q This brother that you mentioned, James William King, is he a person of unsound mind? A Yes sir.
- Q What is his post office address? A Well, his post office address now is Durwood. He is up on a visit to these folks.
- Q What is his age? A Thirty-three.
- Q Has he ever had a guardian appointed for him by court? A No sir, I have always taken care of him.
- Q You have always taken care of him? A Yes sir.
- Q He lives with you does he? A Yes sir, lives with me.
- Q Is he a son of Martha King and her husband Isaiah I. F. King? A Yes sir.

John D. King--7.

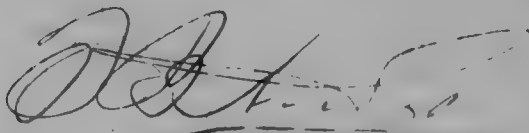
- Q Derives Choctaw blood from the same source you do? A Yes sir.  
Q And your full brother? A Yes sir.  
Q Have you any certificate of your family physician or any other physician showing that this brother of yours is a person of unsound mind? A No sir, I haven't.  
Q You have testified that he is on a visit to the Garters. Was it impossible for you to have brought him along on this trip?  
A Yes sir.  
Q Does it require someone constantly to look after him?  
A Yes sir.

The decision of the Commission in reference to the application you make on behalf of your brother whom you claim to be an incompetent, is that you must support your statement with some documentary evidence, that is, the certificate of some physician that your brother is really an incompetent and not capable of managing his own affairs.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said cause on said date.

Subscribed and sworn to before me this 19th day of December, 1901.

  
\_\_\_\_\_  
Commissioner.

M.C.R. 4375

Muskogee, Indian Territory, April 10, 1902

John D. King,

Birthright, Texas.

Dear Sir:-

You are hereby advised that on the 31st day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of J. M. Carter, et al., of which decision you were duly advised by registered mail on February 3, 1902.

Yours truly,

Commissioner in Charge

for Identification as a Mississippi Choctaw.

Date DEC 17 1901

Name

John W. King

Age

31

Blood

1/32

Post Office,

Birtheright

Texas

Father:

Isaiah Lee F. King

Deas

Mother:

Martha King

Deas

Claims through

mother

wife

Della May King

no claim for wife

Claim for self & 2 Children

Children:

Annie Olive King

16 mos

George Aaron

"

Infant

By Wmilla

Choctaw MCR 4376

Sealy Jacoway

MCR 4376

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sealy Jacoway for  
identification as a Mississippi Choctaw, M.C.R.4376.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Sealy Jacoway for  
identification as a Mississippi Choctaw, M.C.R.4376.

I N D E X .

|  | page |
|--|------|
| Original application of Sealy Jacoway<br>before the Dawes Commission for identification<br>as a Mississippi Choctaw,.....    | 1    |
| Decision of the Commission granting the<br>application of Sealy Jacoway for identification<br>as a Mississippi Choctaw,..... | 6    |

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4376.  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 11, 1901.

In the matter of the application of Sealy Jacoway for the identification of herself as a Mississippi Choctaw.

Sealy Jacoway, having been first duly sworn, upon her oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Sealy Jacoway.  
Q How old are you? A About sixty.  
✓ Q How much Choctaw blood have you? A Full blood.  
Q What is your post office address? A Laurel Hill, Mississippi, Leake County.  
Q How long have you lived in Leake County? A I don't know exactly, about twenty years.  
Q Where did you live before that? A I lived in Neshoba; born and raised in Neshoba until I was married to this man, and then come over in Leake County, and lived some twenty years.  
Q You have always lived in the State of Mississippi, then, have you? A Yes.  
✓ Q Is your father living? A No.  
✓ Q What was his name? A I heard his name was Thompson; I don't know.  
Q Is that the only name that you ever heard that he ever had? A That's all I have ever heard.  
Q How long has he been dead? A When I was a little baby.  
✓ Q Was he a full blood Choctaw? A Yes.  
Q Always lived here in Mississippi? A That's what I heard.  
Q Do you know the name of his father or his mother? A No.  
✓ Q Is your mother living? A No.  
✓ Q What was her name? A Betsey.  
Q How long has she been dead? A Thirty years.  
✓ Q Was she a full blood Choctaw? A Yes.  
Q Did she always live in the State of Mississippi? A Yes.  
Q Did she have a Choctaw name? A I don't know it, if she did.  
Q Have you a Choctaw name? A No, just one name.  
Q You don't know, then, the name of any one of your father's ancestors, or any one of your mother's ancestors? A No.  
Q Are you married? A Yes.  
Q Are you living with your husband? A No.  
Q What is his name? A Jeff Jacoway.  
Q Does he some times go by the name of Davis Jacoway? A Yes, Choctaws call him that.  
Q How long since you lived with Jeff? A About twenty years.  
Q For how long have you been separated? A About five years.  
Q Has he married again? A Yes.  
Q Did you have any children by Jeff? A No.  
Q Were you married before you married Jeff? A Yes.  
Q What was your first husband's name? A George Bell.  
Q Is he dead? A Yes.  
Q Did you ever have any children by him? A Two, but they are both dead.  
Q You have no children, then, at all, now? A No.

Sealy Jacoway, 2.

Q Your application is for yourself only, is that correct? A Yes.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No.

Q Did you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No, never did.

Q Have you ever made any application of any description before to-day, or has any application ever been made for you by any one else? A No.

Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the 14th article of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who preferred to stay here what is known as the 14th article was put in that treaty. That 14th article provided that upon certain conditions, Choctaws who preferred to stay here in Mississippi and become citizens of the States should be permitted to do so.

Q Do you understand that 14th article? A No.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim

Sealy Jacoway, 3.

under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A yes.

Q Did any of your ancestors ever comply or attempt to comply with its provisions? A I don't know.

Q Were any of them living here in the old Choctaw Nation, here in Mississippi and Alabama, when this treaty was made? A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi and Alabama, to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here and become citizens of the States? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any land here in Mississippi under any other article of that treaty, or under the supplement to that treaty? A Not that I know of.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government here in Mississippi? A No, never did.

Q Did you ever hear of any of your ancestors ever having gotten any money from the Government? A No.

Q Do you know whether any of your ancestors were ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever live in Indian Territory? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and take land, and on this account, the Government at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the Government under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the

Sealy Jacoway, A.

appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This second commission was duly appointed by the President, and the commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Louisiana, or Alabama, or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the United States Government under this Act of Congress of August 23, 1842? A I never saw such scrip, and never heard of any.

Q Did you ever see, or hear of, any deed or patent issued to any one of your ancestors covering land here in Mississippi received from the Government of the United States? A No.

Q Do you know any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No.

Q Have you any witnesses here to-day? A No.

+

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their

Sealy Jacoway, 5.

testimony will be taken.

Q Have you any brothers living? A Yes, one living.  
Q What is his name? A Sillman Bell.  
Q Where does he live? A In Neshoba.  
Q Did you ever have any other brothers or half brothers? A No, all dead.  
Q Did any of them leave children? A No.  
Q Have you any sisters living? A No, all dead.  
Q Did any of your sisters leave children? A Two of one of my sisters children are living.  
Q What are the names of those children? A Cain Wiley.  
Q What is the other one? A Rogers Wiley.  
Q Where do they live? A About ten miles north of west of Philadelphia.  
Q How old are these boys? A About seventeen and fifteen.  
Q With whom do they live? A I don't know who they live with; I haven't seen them in three years.  
Q Who did they live with three years ago? A I don't; they was living with a white fellow, but I can't think of his name.  
Q What was their mother's name? A Lucy.  
Q What was their father's name? A Wiley.  
Q What was his other name besides Wiley? A Just one name, just Wiley.  
Q Are they the only two children of your deceased sisters who are living? A That's all.  
Q Are any of your father's brothers or sisters, or any ~~six~~ of their children living? A I don't know.  
Q Are any of your mother's brothers or sisters or any of their children living? A All dead.  
Q Are there any further statements you care to make at this time in support of your application? A No.

(This applicant is to every appearance a full blood Indian. She speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Carthage, Mississippi, this 19th day of December, 1901.

*R. S. Streit*  
L. B. Mosley,  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

*Cow*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sealy Jacoway for  
identification as a Mississippi Choctaw, H.C.R. 4376.

.....D E C I S I O N.....

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commission  
on December 11, 1901, by Sealy Jacoway for herself, under the fol-  
lowing provision of the act of Congress approved June 26, 1898,  
(30 Stats., 495):

"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the  
Choctaw lands under article fourteen of the treaty be-  
tween the United States and the Choctaw Nation, concluded  
September twenty-seventh, eighteen hundred and thirty,  
and to that end may administer oaths, examine witnesses  
and perform all other acts necessary thereto and make  
report to the Secretary of the Interior."

From the evidence submitted in support of said application  
it appears that the applicant is a full-blood Mississippi Choctaw  
Indian.

Section forty-one of the act of Congress entitled "An Act  
To ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

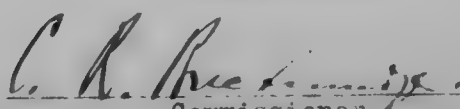
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sealy Jacoway should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

APR 11 1903

  
COMMISSIONER.



COPY.

M.C.R.4376.

Muskogee, Indian Territory, April 11, 1903.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 11, 1903, identifying Sealy Jacoway as a Mississippi Choctaw Indian, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are heroby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sealy Jacoway as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission

Respectfully,

SIGNED: *Tame Dixby.*

Chairman.

Registered.  
Enc.: 4376.

COPY.

M.C.R. 4376

Muskogee, Indian Territory, April 27, 1903.

Sealy Janoway,

Laurel Hill, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 11, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of article 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 11, 1903, you will have six months from that date, or until April 11, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Wishomingo, Chickasaw Nation.

Respectfully, (SIGNED)

*Tams Bixby.*

Chairman.

Registered.

Enc. 4376.

For Identification as a Mississippi Choctaw.  
Carthage, Miss.

Date DEC 11 1901

Name

Sealy Jacoway

Age 60

Blood

full

Post Office,

Laurel Hill, Miss.

Father:

Thompson d

Mother:

Petey "

d

Claims through

both parents.

(Claims for self only.)

Children:

(Applicant doesn't know  
name of any executor  
except father & mother.)

Stenographer

R. S. Strub

Choctaw MCR 4377

Nannie Primus

MCR 4377

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Nannio Primus, et al.,  
for identification as Mississippi Choctaws, M.C.R.4377.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Nannie Primus, et al.,  
for identification as Mississippi Choctaws, M.C.R.4377.

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I N D E X .

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4377  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 11, 1901.

In the matter of the application of Nannie Primus for the identification of herself and one minor child, Mattie Primus, ~~and~~ Mississippi Choctaws.

Nannie Primus, having been first duly sworn, upon her oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Nannie Primus.  
Q How old are you? A About twenty.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your post office address? A Freetrade, Mississippi.  
Q How long have you lived in Leake County, Mississippi? A Born and raised here.  
Q Lived here all your life, have you? A Yes.  
Q Is your father living? A Yes.  
Q What is his name? A Ellis Sam.  
Q Is he a full blood Choctaw? A Yes.  
Q Has he always lived in Mississippi? A Yes.  
Q Has he a Choctaw name? A I don't know.  
Q Has he ever been in Indian Territory? A No.  
Q Do you know the name of his father or his mother? A I don't know ~~any~~ none of them.  
Q Is your mother living? A Yes.  
Q What is her name? A Julia.  
Q Is she a full blood Choctaw? A Yes.  
Q Has she always lived in the State of Mississippi? A Yes.  
Q Has she a Choctaw name? A Yes.  
Q What is it? A Con-che-ho-nah.  
Q Is your mother's father or her mother living? A I don't know.  
Q Do you know the names of either of them? A I don't know.  
Q So far as you know have all of your ancestors always lived in the State of Mississippi? A Yes.  
Q And have all been full blood Choctaws? A Yes.  
Q Are you married? A Yes.  
Q Is your husband living? A Yes.  
Q Are you living with him? A No.  
Q How long have you been separated? A About two years ago.  
Q Were you married to him under a license or according to the Choctaw custom? A Choctaw custom.  
Q How long did you live together? A Nearly two years.  
Q Is he married again? A I don't know.  
Q Where does he live? A Thomastown, Leake County, Mississippi.  
Q What is his name? A Ben Primus.  
Q Is he a full blood Choctaw? A Yes.  
Q Have you ever been married more than once? A Just once.  
Q You make no claim for your husband, do you? A No.  
Q Have you any children? A Yes, one.  
Q What is that child's name? A Mattie Primus.

Nannie primus, et al., 2.

Q How old is the child? A Two years and a half old.

Q Is the child living with you now? A Yes.

Q What is the name of its father? A Ben Primus.

Q This application then is for yourself and one minor child is it?

A Yes.

Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as member of that tribe, or did any one else ever make such an application for you? A I don't know. I don't know whether any one else ever did or not.

Q You never heard of any application having been made for you, then, to the Choctaw tribal authorities? A Never did.

Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress approved June 10, 1896?

A I reckon my father did.

The records of the Commission fail to show that any application was made to this Commission in 1896 for citizenship in the Choctaw Nation for this applicant.

Q Has any other application ever been made for you except the one you think your father made for you in 1896? A I don't know.

The records of the Commission show that on the 25th day of January, 1899, Ellis Sam, father of this applicant, appeared before the Commission at Carthage, Mississippi, and made application for her identification as a Mississippi Choctaw, her name appearing upon Mississippi Choctaw Card, Field Number 53; also, upon page 41 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the Treaty of Dancing Rabbit Creek, being Number 198, thereon.

Q Are these two applications the only ones that have been made for you that you know of? A Yes, the only two.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and child under the 14th article of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them



Nannie Primus, et al., 3.

here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who preferred to stay here, what is known as the 14th article was put in that treaty. That 14th article provided that upon certain conditions, those Choctaws who preferred to stay here in Mississippi might receive land from the Government here in Mississippi.

Q Do you understand that 14th article? A Yes.

Q You have heard it explained here several times have you not? A Yes.

Q Did any of your ancestors, or any of your husband's ancestors ever comply or attempt to comply with the provisions of that article, or ever receive any benefits under this article? A I don't know.

Q Were any of our ancestors, or any of your husband's ancestors living here in the old Choctaw nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land under article 14 of the treaty? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14th of the treaty of Dancing Rabbit Creek? A I don't know that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors, or any of your husbands' ancestors ever having received any land here in Mississippi from the Government of the United States? A No.

Q Did any money? A Never heard.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your husband's ancestors covering land here in Mississippi received from the Government of the United States? A Never did.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the states and take land

Nannie Primus, et al., 4.

The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know they wanted to stay here and become citizens of the States and take land and become citizens of the States under article 14 of the treaty. On this account, the Government at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvement, and which they supposed they would receive from the Government under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up the hearing of these cases. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of your husband's ancestors appear before either of these commissions, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A If they did, I don't know it.

Q

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your husband's ancestors ever receive any of this scrip from the Government under this Act of Congress? A I don't know.

Nannie Primus, et al., 5.

Q Do you know any old person living who would likely know whether any of your ancestors or any of your husband's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses who se testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q Have you any brothers living? A Yes.

Q How many? A One living.

Q What is his name? A Fountain Sam.

Q Any half brothers living? A Millan and Green.

Q Has your husband any brothers living? A Yes - no, has one sister

Q What is his sisters name? A Seaby Primus.

Q Has he any brothers or sisters dead? A I don't know.

(This applicant is to all appearances a full blood Indian. She speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter. Her child is also present before the Commission, and has the appearance of being a full blood Indian.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Carthage, Mississippi, this 21st day of December, 1901.

*R. S. Streit*  
*L. B. Mosley*  
Clerk U.S. Circuit Court  
Southern District of Mississippi,

By *[Signature]*

Deputy

*Curr*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Nannie Primus, et al., for identification as Mississippi Choctaws, M.C.R. 4377.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 11, 1901, by Nannie Primus for herself and her minor child, Mattie Primus, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that both of the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

(32 Stats., 341), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

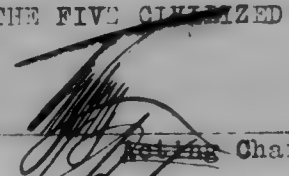
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Nannie Primus and Mattie Primus should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

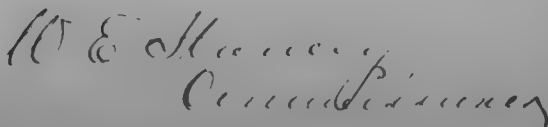
Muskogee, Indian Territory.

APR 17 1906

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner

COPY.

M.O.R.4377.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Nannie Primus, and her daughter, Mattie Primus, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Nannie Primus and her daughter as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED, *Tams Bixby.*

Registered.  
Enc.: 4377.

Chairman.

M.C.R. 4377.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Nannie Primus,

Free trade, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your minor child, Mattie Primus, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 17, 1903, you will have six months from that date, or until April 17, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully, (SIGNED)

*Tame Birby.*  
Chairman.

Registered.

Enc. 4377.

COPY:

M.C.R. 4377

Muskogee, Indian Territory, May 4, 1903.

Nannie Primus,

Fretrade, Mississippi.

Dear Madam:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 1903, identifying yourself and your minor child, Mattie Primus as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

SIGNED

*Tame Birby.*

Chairman.

Registered.

Enc. 4377.



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE  
*Identification*  
Application for Enrollment of

INFANT CHILD

*Mattie Primus*

as a citizen of

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 17 1901

*[Signature]* ACTING CHAIRMAN

Approved, *[Signature]* 1901  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
Commissioner.

*See Miss Choctaw Died No 53*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*  
COMMISSIONER  
Acting Chairman.

MISSISSIPPI CHOCTAW. 453.

4377

Miss. Choc. card field No. 53.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for <sup>Identification</sup> ~~Registration~~, as a citizen of the MISSISSIPPI CHOCTAW Nation,  
of Mattie Primus, born on the 12<sup>th</sup> day of September, 1899.  
(Here insert name of child)  
Name of Father: Ben Primus, a citizen of the Choctaw Nation.  
Name of Mother: Nannie, a citizen of the Choctaw Nation.  
Post-office, Free Trade, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

State of Mississippi District.

County of Leake

I, Nannie Primus, on oath state that I am about 20  
years of age and a citizen by Full Blood of the Choctaw Indian Nation;

that I am the lawful wife of Ben Primus, who is a citizen by  
Full Blood of the Choctaw Indian Nation, that a Female child was  
(male or female.)  
born to me on the 12<sup>th</sup> day of September, 1899; that said child has been

named Mattie Primus and is now living. That the only person  
tride mally who present when said child was born was a full blood Choctaw woman  
named Melly who is now dead.

WITNESSES TO MARK

(Must be Two)  
Witnesses { L. V. Emerson  
R. S. Streit

Nannie Primus  
mark

Subscribed and sworn to before me this 11 day of December, 1901.

L. B. Massey, Clerk  
U. S. Circuit Court, S. D. of Mississippi  
By [Signature]  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

..... District.

I, ....., on oath state that I  
attended on Mrs. ...., wife of .....,  
on the ..... day of ....., 1901; that there was born to her on  
said date a ..... child; that said child is now living and is said to have been  
(male or female)  
named .....

WITNESSES TO MARK:

(Must be Two)  
Witnesses { .....

Subscribed and sworn to before me this ..... day of ....., 1901.

NOTARY PUBLIC.

Note: Child is mother's and parent's

L. I. Emerson

4/862

No. 4877

For Identification as a Mississippi Choctaw.  
Carthage Miss.

Date DEC 11 1901

Name Nannie Primus

Age 20 Blood full

Post Office, Free Trade, Miss

Father: Ellis Sam L

Mother: Julia L  
-Con-cho-ho-nah-

Claims through both parents,  
husband Ben Primus L

No claim for husband. They  
have been separated two years.  
(Claim for self and one minor child)

Children:

Mattie Primus 2

(See Miss Primus and full  
No 53. Appearance 12, 44)

(Applicant doesn't know name  
of my mother except  
father)

Stenographer

P. S. Street

Choctaw MCR 4378

Madison Ben

See MCR 4236, 4426, 4425

MCR 4378

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Madison Ben, et al.,  
for identification as Mississippi Choctaws.

---o---

Herein is the record in the matter of the application of  
Madison Ben, et al., for identification as Mississippi  
Choctaws, consolidating the applications of:

|                                      |             |
|--------------------------------------|-------------|
| Madison Ben, et al.,                 | M.C.R. 4378 |
| Peter Ben (Ah-fin-ah-tubbee), et al. | M.C.R. 4236 |
| Jim Ben, et al.,                     | M.C.R. 4426 |
| Robison Ben, et al.,                 | M.C.R. 4425 |

---o---

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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| Robison Ben, et al.,                 | M.C.R. 4425 |

--: I N D E X :--

|  | (Page) |
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| Original application of Madison Ben, et al.,<br>to the Dawes Commission for identification<br>as Mississippi Choctaws-----                   | 1      |
| Original application of Peter Ben (Ah-fin-ah-<br>tubbee), et al., to the Dawes Commission for<br>identification as Mississippi Choctaws----- | 8      |
| Original application of Jim Ben, et al., to<br>the Dawes Commission for identification as<br>Mississippi Choctaws-----                       | 15     |
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| Testimony of Scott York-----   | 27     |
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| Testimony of Wilson Dixon-----   | 39     |
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DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application of Madison Ben, et al., for identification as Mississippi Choctaws, consolidating the applications of:

|                      |             |
|----------------------|-------------|
| Madison Ben, et al., | M.C.R. 4378 |
| Peter Ben, et al.,   | M.C.R. 4236 |

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated case.

|  | (Page) |
|--|--------|
| Original application of Madison Ben, et al.,<br>to the Dawes Commission for identification<br>as Mississippi Choctaws----- | 1      |
| Original application of Peter Ben, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----   | 8      |
| Testimony of Scott York-----   | 15     |
| Testimony of Ellis Sam-----  | 19     |
| Decision of the Commission refusing the applica-<br>tions for identification as Mississippi Choctaws-----                  | 27     |

-cOo-

4378  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 11, 1901.

In the matter of the application of Madison Ben for the identification of himself, his wife, Laura, and minor children, Jesse, Ida, Charlie and Olin, and minor step-son, Finkley Ben, as Mississippi Choctaws.

Madison Ben, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Madison Ben.  
Q How old are you A About fifty  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Standing Pine, Mississippi.  
Q How long have you lived in Leake County, Mississippi? A Well, I just lived along time, born and raised here.  
Q Lived here all your life? A Yes.  
Q Is your father living? A No.  
Q What was his name? A Ben.  
Q Did he have any other name? A I don't know; that's all I know.  
Q Don't remember his Choctaw name, do you? A No, that's all I know.  
Q Have you a Choctaw name? A No.  
Q Do you know the name of your father's father or his mother? A No.  
Q Did your father always live in the State of Mississippi? A Yes.  
Q Was he a full blood Choctaw? A Yes.  
Q How old would he be if he were living now? A I don't know.  
Q When did he die? A He died long time, when I was little boy.  
Q You don't remember him, then? A No.  
Q Is your mother living? A No, died.  
Q What was her name? A Jennie.  
Q How long has she been dead? A About seventeen years.  
Q About how old was she when she died? A About eighty.  
Q Did she have a Choctaw name? A Ha-yah.  
Q Did she always live in the State of Mississippi? A Yes.  
Q Do you know the name of her father, or the name of her mother?  
A I don't know ~~any~~ neither one of them.  
Q Did you ever hear of any of your ancestors ever having lived in Indian Territory? A No.  
Q Are you married? A Yes.  
Q Is your wife living? A Yes.  
Q Has she any Choctaw blood? A Yes, half Choctaw.  
Q What is her name? A Laura.  
Q Do you want to make application for her? A Yes.  
Q How old is she? A Thirty.  
Q Has she always lived here in the State of Mississippi? A Yes.  
Q Were you married to her under a license or according to the Choctaw custom? A License.  
Q Where did you get your license? A Carthage.  
Q When were you married to her? A Near five years ago.  
Q Who married you? A Scott York.



Madison Ben, et al., 2.

- Q Choctaw preacher? A Yes.
- Q Where were you married? A There where I am living. Where brother Ellis living.
- Q Ellis Sam's house near Freetrade? A Yes.
- Q You are living with your wife at this time, are you? A Yes.
- Q Is her father living? A I don't know.
- Q Do you know his name? A No.
- Q Did he have any Choctaw blood? A I don't know her daddy.
- Q Is her mother living? A Yes.
- Q What is her name? A Julia, wife of Ellis Sam, my half brother.
- Q Is Julia a full blood Choctaw? A Yes.
- Q Has she always lived in Mississippi? A Yes.
- Q The father of your wife, then, was a white man, was he? A Yes, I reckon so.
- Q Do you know the name of Julia's father, or the name of her mother?
- A Billy Baker is her daddy. I don't know her mother.
- Q Did you ever hear of Billy Baker ever having been in Indian Territory? A Yes, been in Indian Territory. Went out there about twelve years ago and lived there until he died.
- Q He was a full blood, was he? A Yes.
- Q Have you any children by Laura? A Two.
- Q What are their names? A Charlie.
- Q How old is Charlie? A Three years old, the thirtieth of last July.
- Q What is the next one's name? A Olin.
- Q How old is Olin? A One year old the 10th of last March.
- Q Are both these children living with you at this time? A Yes.
- Q Are these children both living with you at this time? A Yes.
- Q Are they both the children of yourself and Laura Ben? A Yes.
- Q Have you any other children? A Two more living with me.
- Q What are their names? A Jesse Ben.
- Q How old is Jesse? A Eighteen.
- Q The next one? A Ida, fourteen.
- Q Is that all? A Yes.
- Q Now, these are your children by a former wife? A Yes.
- Q What is the name of the mother of these children? A Eliza.
- Q Is she living? A No, dead.
- Q Was she a full blood Choctaw? A Yes.
- Q Did she always live in Mississippi? A Yes.
- Q Do you know the name of either of her father or her mother?
- A Yes, Billy Baker.
- Q Do you know her mother's name? A No I don't know her mother's name.
- Q Have all of your ancestors, and all of the ancestors of Eliza been full blood Choctaw Indians? A Yes.
- Q Now, Jesse and Ida, are both living with you at this time, are they? A Yes.
- Q Have you been married more than twice? A No.
- Q Was your wife married before she married you? A Yes.
- Q Has she any children by her former husband? A Yes.
- Q How many? A The father of these children has one, and the other one lives with me and its mother.
- Q What is the name of the child that lives with you? A Finkley.
- Q Boy or girl? A Boy.
- Q How old is the child? A Five.
- Q What was the name of the father of these children? A Peter Ben.
- Q Is he living? A Yes.
- Q Is he a full blood Choctaw? A Yes.
- Q Any relation to you? A Yes, full brother.

Madison Ben, et al., 3.

Q And your present wife, Laura, is the mother of Finkley? A Yes.

Q This application, then, is for yourself, your wife and four minor children, and one minor step-child, is that correct? A Yes.

Q Is your name, your wife's name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, wife, or any one of these children to be admitted or enrolled as members of the tribe? A No.

Q Did you, in the year 1896, make application to the Commission to the Five Civilized Tribes to citizenship in the Choctaw Nation for yourself, wife or any one of these children? A No.

Q Have you ever made any application of any kind before to-day? A Yes; before Commission, Winton told me he was Commission five years ago.

~~The records of the Commission fail to show that any application was made to this Commission in the year 1896, in behalf of this applicant, his wife, or any one of his minor children.~~

Q Did you ever make any other application except the one you think you made in 1896? A Three years ago.

The records of the Commission show that on the 25th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, his wife, Laura, and step-son Finkley, and children, Charlie, Jesse, Lemie, Ida, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card field number 62; also, upon page 42 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 224, 225, 226, 227, 228, 229 and 230, respectively, thereon.

Q At the time you gave in the names of the family to the Commission, three years ago, did you give in the name of a child, Lonnie? A No, but I gave in a child by the name of Lemmie.

Q Is that a boy or girl? A Girl.

Q Is she married or single? A Married.

Q To whom? A Yarby Willis.

Q Are these applications made by you three years ago, and the one which you think you made through Mr. Winton, in 1896, the only applications of any kind you ever made for yourself, wife or any of these children? A Yes, those two.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Madison Ben, et al., 4.

The treaty of Dancing Rabbit Creek, was entered into here in Mississippi on the 28th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions those Choctaws who preferred to stay here in Mississippi might receive land from the Government.

Q Do you understand that 14th article? A Yes.

Q You have heard it explained here to-day, have you not? A Yes.

Q Did any of your ancestors, or any of the ancestors of either of your wives ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A I don't know.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made?

A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians, here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know they wanted to stay here in Mississippi and become citizens of the States? A I don't know that.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of them ever having received any land here in Mississippi from the Government of the United States? A No, never heard.

Q Or any money? A No.

Q Do you know whether any of your ancestors, or any of the ancestors of either of your wives were ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q Do you know whether Billy Baker was ever admitted to citizenship out in the Choctaw Nation after he moved out there? A If he did, I don't know it.

Madison Ben, et al., 5.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and on this account the Government at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the Government under article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision by which the remainder of these Choctaws might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up this work. This second commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi in the 40's, and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of the ancestors of either of your wives, appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof, land elsewhere in Mississippi, or in Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Madison Ben, et al., 6.

Q Did any of your ancestors, or any of the ancestors of either of your wives ever receive any of this scrip from the United States Government under this Act of Congress? A Never say any such scrip, or heard of any of them having gotten any.

Q Did you ever see or hear of any deed or patent, issued to any of your ancestors, or any of the ancestors of either of your wives covering land received here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A Never saw or he heard of such a thing.

Q Do you know of any one living who would likely know whether any of your ancestors, or any of the ancestors of either of your wives ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q Have you any full brothers living? A Yes, one, Peter Ben.

Q Have you any full brothers dead? A No, I don't know.

Q Have you any full sisters living? A One.

Q What is her name? A Healy Yerk, wife of Scott Yerk.

Q Have you any half brothers living? A Yes, Ellis Sam.

Q Have you any half brothers dead? A Yes, Captain Jim Sam.

Q Did he leave any children? A Feely Dixon, wife of John Dixon, and Huddleston Sam are all, who live near Carthage, in Leake County.

Q Have you any half sisters living? A One living in Nesheba, Old Martha.

Q What was her other name? A Willis, I reckon.

Q Is her husband living? A Yes, I reckon so, but they have separated.

Q Did she ever go by the name of Martha Jacobs? A Yes, I reckon so.

Q Have you any half sisters dead? A I don't know.

Q Are any of your father's brothers or sisters or any of their children living? A I don't know.

Q Any of your mother's brothers or sisters, or any of their children living? A I don't know.

Q Are any of your present wife's brothers or sisters living? A All dead.

Q Has she any half brothers or half sisters living? A I don't know whether they are living or not. Oscar Baker, he is in the Territory.

Q Is that all you ever heard of? A That's all I have heard of.

Q Are any of your present wife's mother's brothers or sisters, or any of their children living? A No.

Q Are any of the brothers or sisters of your wife's father living, or any of their children? A I don't know.

Q Are any of the brothers or sisters of your wife's father living? A No.

Madison Ben, et al.,7.

Q Are any of their children? A I don't know. mother  
Q Are any of the brothers or sisters of your first wife's living?  
A No.  
Q Are any of their children living? A One living with my first w  
wife's sister's daughter? A  
Q What is her name? A Liney.  
Q What is her husband's name? A Tubbee, wife of Richard Tubbee.  
Q Where do they live? A In Neshoba.  
Q Are any of the brothers or sisters of your first wife's father,  
or any of their children living? A No.  
Q Are any of the brothers or sisters of your first wife's father, or  
any of their children, living? A No. They are all dead, I reckon.  
Q Have you any children over twenty one years of age living? A  
Three; one son and two daughters of age.  
Q What is the name of the son? A Watt Ben.  
Q He has been before the Commission this year, hasn't he? A Yes.  
Q What is the name of your oldest daughter? A She lives in  
Neshoba, Bowley.  
Q What is her husband's name? A Willie Tobe.  
Q Have either of them been before the Commission this year?  
A I don't know.  
Q What is the name of your other daughter? A That is Yarbey  
Willis' wife, Lemmie.

(This applicant has the appearance of being a full blood  
Indian. He speaks and understands the Choctaw language,  
and some English, the examination having been conducted  
partially in English and partially through a sworn Choctaw  
interpreter.)

R. S. Streit, having been first duly sworn, upon his oath  
states that as stenographer to the Commission to the Five Civilized  
Tribes, he reported in full all proceedings had in the above entitled  
cause on the 11th day of December, 1901, and that the above and  
foregoing is a full, true and correct translation of his stenographic  
notes of said proceedings in said cause upon said date.

*R. S. Streit*  
Subscribed and sworn to before me at Carthage, Mississippi,  
this 21st day of December, 1901.

*L. B. Moody*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.

4236  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Hays, Mississippi, November 26th, 1901.

In the matter of the application of Peter Ben for the identification of himself, and one minor daughter as Mississippi Choctaws.

Said Peter Ben, being first duly sworn, testified as follows:- (Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Peter Ben.  
Q Have you a Choctaw name? A Ah-fin-ah-tubbee.  
Q Are you a full blood Choctaw? A Yes.  
Q How old are you? A Going on 60 years old.  
Q What is your postoffice address? A Walnutgrove.  
Q Leake County, Mississippi? A Yes.  
Q How long have you lived in Leake? A Born and raised there.  
Q Lived there all your life, have you? A Yes.  
Q Have you ever been in Indian Territory? A No sir.  
Q Is your father living? A No sir.  
Q What was his name? A Ben.  
Q Did he have any other name? A I don't know.  
Q Did he have a Choctaw name? A No.  
Q Was he a full blood Choctaw? A I don't know anything about it.  
Q How old were you when he died? A About this way.  
Q About five or six years old? A May be so, I don't know nothing about it.  
Q Do you know the name of his father or mother? A No.  
Q Do you know where he lived during his life time? A No.  
Q You don't know whether he was ever in Indian Territory? A No sir.  
Q Is your mother living? A No sir, he died too.  
Q What was her name? A I heard it was Jennie.  
Q How old were you when she died? A I was little fellow.  
Q She died about the same time your father died? A Yes.  
Q Was she a full blood too? A I don't know anything about it.  
Q Did you ever hear whether she was or not? A No sir, never did hear.  
Q Did she have a Choctaw name? A No sir, I don't know anything about it.  
Q Do you know the name of her father or her mother? A No sir.  
Q Did you ever hear of any of your ancestors ever having lived in Indian Territory? A No sir.  
Q They have always lived in Mississippi, so far as you know, have they? A Yes sir.  
Q Are you married? A No sir.  
Q Have you any children in your family under 21 years of age and unmarried? A Yes, one.  
Q What is that child's name? A Blea.  
Q How old is she? A Nine years old.  
Q Is her mother living? A Yes, she is living.  
Q What is her mother's name? A Laura.  
Q How much Choctaw blood has she? A I don't know, not much I reckon.  
Q How much do you think? A About half, I reckon.  
Q Were you married to Laura under a license or according to Choctaw custom? A Choctaw custom.



- Q How long did you live with her? A I don't know, about ten years.  
Q How long have you been separated? A About six years.  
Q Blea is the daughter of yourself and Laura? A Yes.  
Q Then that would make your child three-fourths Choctaw? A Yes.  
Q Has your wife Laura always lived in Mississippi? A Yes.  
Q Is Laura's father living? A I don't know.  
Q You don't know who he was? A No.  
Q Is her mother living? A Yes.  
Q What is her name? A I think the name is Julia.  
Q Is she married? A Yes.  
Q Is her husband living? A Ellis, his name.  
Q What other name? A I don't know.  
Q You are sure that Laura's mother is a full blood Choctaw, are you? A Yes.  
Q Her father then was a white man? A Yes.  
Q You don't know who he was? A No sir.  
Q Has Julia a Choctaw name? A I don't know.  
Q Do you know the name of Julia's father or mother? A No sir.  
Q This application is for yourself and one minor daughter, is that correct? A Yes.  
Q Is your name or the name of this daughter to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or this child, to be admitted or enrolled as members of that Tribe--did you make application to the Choctaws out in the Territory? A No.  
Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No.  
Q Have you ever made any application for yourself or ~~this~~ child before today to either the Choctaw Tribal authorities or the United States authorities? A Yes.  
Q Where? A At Carthage, Mississippi, in 1899.

The records of the Commission show that on the 24th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself and two minor children, Blea and Mollie, as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 17, also upon page 36 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctawlands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 67, 68 and 69 respectively thereon.

- Q At the time you appeared before the Commission at Carthage in 1899 you gave in the name of a child Mollie, is she living now? A She is dead, died August 1st, last year.  
Q Is that application made three years ago the only application of any kind you ever made for yourself or this child? A No, I made application to Mr. Winton.

By the Commission:

Mr. Winton has nothing whatever to do with this Commission and does not represent the Government of the United States.



Q That is the only application, then, you ever made, that in 1899, is it? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your self and this minor child, under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made ~~here~~ the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get them to move from this country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory.

At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who preferred to stay here what is known as the 14th article was put in the treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article? A Yes.

Q You understand that that refers to people who lived here 71 years ago? A Yes.

Q Did any of your ancestors or any of Laura Ben's ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A I don't know.

Q Were any of them living here at the time this treaty was made, 71 years ago? A I don't know.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here from the Government of the United States under any other provision of that treaty than that 14th article? A I don't know.

Q Did you ever hear of any of your ancestors or any of Laura's ancestors ever having gotten any land here in Mississippi from the Government? A No, never heard.

Q Did you ever hear of any of your ancestors or any of Laura's ancestors ever having gotten any money from the Government? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of Laura's ancestors covering land here in Mississippi? A No, never did.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaw Indians as might desire to stay here and become citizens and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and take land under article 14 of the treaty and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great many complaints and the matter was finally brought to the attention of Congress and Congress passed an act, which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down hereto Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, providing for the continuance of the Commission, they were unable to dispose of but a comparatively small number of these cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Choctaws might be given hearings. So, another act was passed which was approved the 23rd day of August, 1842, providing for the appointment

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of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here and heard a great many of these cases.

Q Did any of your ancestors or any of Laura's ancestors appear before either of these Commissions and attempt to establish their rights under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Arkansas or Louisiana, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife, Laura's, ancestors ever receive any of this scrip from the United States Government under this act of Congress? A I don't know.

Q Did you ever hear of that scrip before today? A No.

Q So far as you know, then, none of your ancestors and none of the ancestors of Laura have received any benefits whatever as Choctaw Indians? A I don't know.

Q None of them ever lived in Indian Territory, did they? A I don't know.

Q Do you know whether any of them were ever recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Do you know any old person living who would likely know whether any of your ancestors or any of your wife Laura's ancestors ever complied or attempted to comply with the provisions of article 14 of the Treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear before the Commission at any one of its appointments here in Mississippi this Fall, or at Meridian, Mississippi, between January 15th and February 15th next, or at the general office of the Commission at Muskogee, Indian Territory, within a reasonable time, and their testimony will be taken.

Q Are there any further statements you want to make? A No.

Q Is your daughter Blea living with you? A Yes.

Q Have you any children over age? A Yes.

Q How many? A Four.

Q Four living? A Yes.

Q Are all your living children except the youngest by the same wife? A Yes, her name was Winnie. She was a full blood and is now dead.

Q What are their names? A Robinson Ben.

Q Is he married? A Yes.

Q What is his wife's name? A Missouri.

Q Are they living together? A Yes.

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- Q What is the name of the next one? A Jim Ben.  
Q Is his wife named Sophia? A Yes.  
Q What is the name of the next one? A Dump Ben, the wife of Ben Comby.  
Q What is the name of the other one? A Phelia Ben.  
Q Is she married? A Her husband died last July a year ago.  
Q What was his name? A Harrison Nelson.  
Q Has she been married more than once? A Yes, three times.  
Q What is her first husband's name? A William Johnson.  
Q Has he any other name? A I don't know.  
Q Where does he live? A Close to Carthage.  
Q What was the name of your second husband? A Jeff Jacoway.  
Q What was the name of your last husband? A Harrison Nelson, he is now dead.  
Q Are the other two living? A Yes.  
Q Have you any grandchildr en whose parents are dead? A Yes, I have one, it name is Bert Nelson, living with Coleman Nelson-he is his grandfather. This child is the son of my daughter whose name was Nancy.  
Q Have you any brothers living? A Yes.  
Q How many? A One brother, Madison Ben and one whole sister, Sealy Ben.  
Q Is she married? A She married Scott York.  
Q Have you any other sisters? A Thats all I got.  
Q Have you any half brothers or half sisters living? A No.  
Q Have you any brothers or sisters dead? A Yes.  
Q How many? A About two of them, I believe.  
Q Brothers or sisters? A Sisters.  
Q Did either of them leave children? A No.  
Q Are any of your father's brothers living? A I don't know.  
Q Are any of your father's sisters living? A No.  
Q Are any of the children of your father's brothers or sisters living? A I don't know.  
Q Are any of your mother's brothers or sisters living? A I don't know that.  
Q Are any of the children of any of your mother's brothers or sisters living? A I don't know.  
Q Are any of your wife Laura's brothers living? A One dead and one living.  
Q What is the na e of the one who is living? A Mellin:  
Q What is the other name? A Just Mellin.  
Q Do you know who his father was? A No.  
Q Cant you think of any other name that he went by? A That is all I heard.  
Q What is the name of your wife's brother who is dead? A Grandison Wilson.  
Q He left a family, didn't he? A Yes.  
Q What is his wife's name? A I don't know.

The applicant here refuses to answer further questions.

This applicant is to all appearances a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Hays, Mississippi, November 26th, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 27th day of November, 1901 at Hays, Mississippi.

*L. B. Mosley*

Clerk U.S. Circuit Court, Southern District of Mississippi.

By

*J. B. Smith*

Deputy.

4426  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 23rd, 1901.

In the matter of the application of Jim Ben for the identification of himself, his wife Sophia and two minor children John and Sam Ben, as Mississippi Choctaws.

Said Jim Ben, being first duly sworn, testified as follows: (Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Jim Ben.  
Q How old are you? A About twenty-five, I reckon.  
Q How much Choctaw blood have you? A Full blood.  
Q Have you always lived here in Leake County, Mississippi? A Yes.  
Q What is your postoffice address? A Walnutgrove.  
Q What is your father's name? A Peter Ben.  
Q Has he always lived here in Mississippi, too? A Yes.  
Q Where does he live? A Walnutgrove.  
Q He is a full blood Choctaw, is he? A Yes.  
Q About how old do you think Peter is? A About fifty-nine, I think.  
Q Has he a Choctaw name? A I don't know.  
Q Do you know the name of his father or his mother? A No.  
Q Is your mother living? A No.  
Q What was her name? A I don't know.  
Q Did you ever hear that your mother's name was Winnie? A Yes.  
Q Do you remember ever having seen her? A No.  
Q She died when you were very small, then, did she? A Yes.  
Q Was she a full blood? A Yes.  
Q And always lived here in Mississippi? A Yes.  
Q Is her father living? A I don't know.  
Q Do you know his name? A No.  
Q Is her mother living? A No.  
Q Do you know her name? A No.  
Q You don't know the names, then, of any of your ancestors except your father and your mother, is that correct? A Yes.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes.  
Q Have you been married more than once? A No.  
Q Has she? A No.  
Q Are you living with your wife? A Yes.  
Q What is her name? A Sophia.  
Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.  
Q How long have you lived with her? A About nine years.  
Q Is she a full blood Choctaw? A Yes sir.  
Q How old is she? A About twenty-four.  
Q Has she always lived here in Mississippi? A Yes sir.  
Q Is her father living? A Yes sir.  
Q What is his name? A Sam Joshua.  
Q Is he a full blood Choctaw? A Yes.  
Q Where does he live? A Close to Saint Anns.  
Q Has he always lived here in the State of Mississippi? A Yes.  
Q Has he a Choctaw name? A No.  
Q Is his father living? A I don't know.

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- Q Is Sam's father living? A I don't know.  
Q Is his mother living? A I don't know.  
Q Do you know the names of either of them? A No.  
Q About how old a man is Sam Joshua? A I don't know.  
Q Is your wife's mother living? A I don't know.  
Q What is her name? A I don't know that.  
Q Do you know whether she is a full blood Choctaw, or not? A I don't know.  
Q Or whether she has always lived here in Mississippi? A Yes.  
Q Do you know the name of either of her parents? A No.  
Q Have you any children living? A Yes sir, two; John Ben and Sam Ben.  
Q How old is John? A About seven years old.  
Q How old is Sam? A About two months old.  
Q Are these children both living with you now? A Yes.  
Q Are they the children of yourself and Sapphia Ben? A Yes.  
Q Is that all your children? A Yes.  
Q You then make application for yourself, your wife Sophia and two minor children John and Sam Ben, is that correct? A Yes.  
Q Is your name, your wife's name or the name of either of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A I don't know.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself, wife or either of these children to be admitted or enrolled as members of the Choctaw Tribe of Indians? A No.  
Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself, wife or either of these children or did anyone else make such an application for you? A No.  
Q Has any application ever been made to the Commission before today for yourself, wife or either of these children? A Yes, at Carthage, three years ago.

The records of the Commission show that on the 24th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant, his wife Sophia and son John as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 18, also on page 36 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 70, 71 and 72 respectively thereon.

- Q Is this application made for you three years ago the only application of any kind that has ever been made before today? A Yes.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and two minor children, under article 14 of the treaty of Dancing Rabbit Creek? A Yes.



The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi might do so and might receive land from the Government.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under it? A I don't know.

Q Did any of them own an improvement here at the time that treaty was made? A I don't know.

Q Were any of them living here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did you ever hear of any of your ancestors ever having received any land here in Mississippi from the Government? A No.

Q Or any money from the Government? A No.

Q So far as you know, did any of your ancestors or any of your wife's ancestors ever live in Indian Territory? A No.

Q Were any of them ever recognized members of the Choctaw Tribe of Indians or did any of them ever receive any benefits as such? A I don't know.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or any of your wife's ancestors covering land here in Mississippi received under article 14 of the treaty of Dancing Rabbit Creek? A Never saw or heard of it.



In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land, under article 14 of the treaty. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and take land and become citizens of the States. On this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed and a later act of Congress approved February 22nd, 1838, providing for the continuance of the Commission, they were unable to hear but a comparatively small number of cases. It, therefore, became necessary for Congress to make further provision whereby the remainder of these Indians might be given hearings, so another act was passed which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a great many more of these cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

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Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the United States Government under this act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of any one.

Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at anyone of the appointments of the Commission here in Mississippi this Winter, in Meridian, Mississippi, between January 15th and February 15th, next, or within a reasonable time at the General Office of the Commission in Muskogee, Indian Territory,, and their testimony will be taken.

Q Are there any further statements you desire to make at this time?

A No.

Q Have you any brothers living? A Yes.

Q How many? A One.

Q What is his name? A Robison Ben.

Q Have you any brothers dead? A No.

Q Have you any sisters living? A Yes sir.

Q How many? A Two living.

Q What are their names? A Phelia Nelson, the wife of Harrison Nelson, now deceased; and Dump Comby, the wife of Ben Comby.

Q Have you any half sisters or half brothers living? A One half sister and one half brother, Blea Ben and Finkley Ben.

Q Have you any half brothers or half sisters dead? A I don't know.

Q Have you any full sisters dead? A No.

Q Or any full brothers dead? A No.

Q Are any of your wife's brothers living? A I don't know.

Q Has your wife any sisters living? A Aint got no full sisters but some half sisters.

Q What are their names? A I don't know their names.

Q Are any of your wife's father's brothers or sisters or any of their children living? A I don't know.

Q Are any of your wife's mother's brothers or sisters or any of their children living? A I don't know.

Q Are any of your father's brothers living? A Yes.

Q How many? A Two, Ellis and Madison Ben. Ellis Sam is a half brother and Madison is a full brother.

Q Has your father any brothers or half brothers dead? A Yes, half brother, Captain Jim Sam.

Q Did he leave any children? A I don't know.

Q Has your father any full sisters living? A I don't know.

Q Any half sisters living? A I don't know.

Q Has he any full sisters or half sisters dead? A I don't know anything about it.

This applicant has the appearance of being a full blood

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Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*  
Subscribed and sworn to before me this the 26th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosely*

Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.

4425  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 23rd, 1901.

In the matter of the application of Robison Ben for the identification of himself, his wife Missouri and minor children, Maggie, Charlie and Floyd Ben as Mississippi Choctaws.

Said Robison Ben, being first duly sworn, testified as follows:-

(Ostar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Robison Ben.  
Q How old are you? A About thirty-three I reckon.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your postoffice address? A Walnutgrove.  
Q Leake County, Mississippi? A Yes.  
Q How long have you lived in Leake County, Mississippi? A Born and raised here.  
Q Is your father living? A Yes sir.  
Q What is his name? A Peter Ben.  
Q Where does he live? A Close by where we live.  
Q Is he a full blood Choctaw? A Yes.  
Q Has he always lived here in Mississippi? A Yes.  
Q Has he a Choctaw name? A Just Peter Ben.  
Q About how old a man is Peter? A I don't know.  
Q Is Peter's father living? A I don't know nothing about that.  
Q Or his mother? A No.  
Q You don't know the name of either of them, then? A No.  
Q Is your mother living? A No.  
Q What was her name? A I think it was Winnie.  
Q How long has she been dead? A I don't know how long. Been long time I reckon.  
Q Do you remember ever having seen her? A No.  
Q Died when you were a baby, then? A Yes.  
Q Do you remember whether she was a full blood Choctaw? A No.  
Q Whether she always lived here in Mississippi? A Yes.  
Q Is her father living? A I don't know.  
Q Or her mother? A I don't know.  
Q You don't know the names of any of her ancestors, then? A No.  
Q Are you married? A Yes.  
Q Is your wife living? A Yes.  
Q Are you living with her at this time? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q Do you want to make application for her too? A Yes.  
Q What is her name? A Missouri.  
Q How old is Missouri? A About twenty-four.  
Q Has your wife always lived here in Mississippi? A Yes.  
Q Have you been married more than once? A No.  
Q Has she? A No.  
Q Is her father living? A No, he aint living.  
Q What was his name? A I don't know.  
Q Did you ever hear that his name was Jack? A No.  
Q Did you ever see him? A No.  
Q Do you know whether he was a full blood or not? A I don't know.

Q Is your wife's mother living? A Yes.  
Q What is her name? A I don't know his name.  
Q Where does she live? A Near Redwater.  
Q Is she married? A Yes.  
Q What is her husband's name? A Dixon Willis.  
Q Isn't her name Louisa? A I reckon so.  
Q Do you know how old she is? A I don't know.  
Q Is she a full blood Choctaw Indian? A Yes sir.  
Q You have seen her, have you? A Yes.  
Q Do you know the name of her father or mother? A No, I don't know.  
Q She has always lived here in the State, has she? A Yes.  
Q Do you know the name of your wife's father's father or of her mother? A No, I don't know.  
Q The only one of your wife's ancestors then whose name you know is that of her mother, Louisa Willis, is that correct? A Yes.  
Q Have you any children living? A Yes, three.  
Q What are their names and ages? A Maggie.  
Q How old is Maggie? A Seven years old.  
Q What is the name of the next? A Charlie.  
Q How old is Charlie? A Five.  
Q What is the name of the next child? A Floyd, he was born May 16th, 1900.  
Q You have just three children, then? A Yes.  
Q Are they all living with you now? A Yes.  
Q They are the children of yourself and Missouri Ben, are they? A Yes.  
Q This application, then, is for yourself, your wife and three minor children, is that correct? A Yes.  
Q Is your name, your wife's name or the name of any one of these children to be found upon any of the Choctaw Tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself, your wife, or any of these children to be admitted or enrolled as members of that Tribe? A No, I did not.  
Q Did you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself, your wife or anyone of these children? A No, I did not.  
Q Have you ever made any application of any kind for yourself, your wife or any of these children before today? A Yes, at Carthage, three years ago.

The records of the Commission show that on the 25th day of January, 1899, application was made to the Commission at Carthage, Mississippi, for the identification of this applicant, his wife Missouri and two minor children, Maggie and Charlie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 81, also on page 45 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being

numbers 303, 304, 305 and 306 respectively thereon.

Q Is that the only application of any kind you ever made before today? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and three minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave this country and for the benefit of those who insisted on staying here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay here in Mississippi and become citizens of the States might do so and might receive land here in Mississippi from the Government.

Q Do you understand that 14th article? A Yes.

Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with its provisions? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe of Indians here at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here in Mississippi and become citizens of the States and take land?

A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any land here in Mississippi from the Government under any other article of the treaty or under the supplement to the treaty? A I don't know.

Robison Ben et al---4

Q Did you ever hear of any of them ever having gotten any land here in Mississippi from the Government? A No.

Q Or ever having gotten any money from the Government? A Never heard of it.

Q So far as you know, were any of your ancestors or any of your wife's ancestors ever recognized members of the Choctaw Tribe of Indians or did any of them ever receive any benefits as such?

A No.

Q Did you ever hear of any of them ever having lived in Indian Territory? A No.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens of the States, and, on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed ~~through~~ them by the act of Congress under which they were appointed and a later act of Congress approved the 22nd day of February, 1838, they were unable to dispose of but a comparatively small number of cases. It therefore became necessary for Congress to make further provision whereby the remainder of these Choctaws might be given hearings. So another act was passed, which was approved the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up this work. This Commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi in the forties and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.



The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choc-taw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in lieu thereof, land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know of anyone.

Q Have you any witnesses here today whose testimony you desire to have taken before the Commission? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of the appointments of the Commission here in Mississippi this Winter, or at Meridian, Mississippi, between January 15th and February 15th next, or at the general office of the Commission at Muskogee, Indian Territory, within a reasonable time and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors or your wife's ancestors, covering land here in Mississippi received from the Government of the United States? A No.

Q Have you any brothers living? A Yes.

Q How many? A One.

Q What is his name? A Jim Ben.

Q Have you any brothers dead? A No.

Q Have you any sisters living? A Two living.

Q What are their names? A Dump Comby, the wife of Ben Comby, and Phelia Nelson, the wife of Harrison Nelson, who is now dead.

Q Have you any half sisters living? A Yes, Blea Ben, lives with my father.

Q What is the name of another one? A Finkley Ben, he lives with my father's brother Madison Ben. He is my half brother.

Q Have you any half sisters or half brothers dead? A No.

Q Have you any full sisters dead? A No.

Q Are any of your father's brothers living? A Madison Ben, and a half brother named Ellis Sam.

Q Has he any brothers or half brothers dead? A Captain Jim Sam dead, he was my father's half brother.

Q Did Jim Sam leave any children? A Yes, Huddleston Sam and Phelia Dixon, the wife of John Dixon.



Q Has your father any sisters living? A Yes, one full sister.  
Q What is her name? A Sealy York, the wife of Scott York.  
Q What is the name of your father's half sister? A Martha Jacobs, she lives in Neshoba County.  
Q Has your father any half sisters or full sisters dead? A I don't know.  
Q Are any of your mother's brothers or sisters or any of their children living? A I don't know.  
Q Are any of your wife's brothers or sisters living? A Just one living.  
Q What is his name? A Wilson Dixon.  
Q Has she any brothers or sisters dead? A No.  
Q Are any of your wife's father's brothers or sisters or any of their children living? A I don't know none of them.  
Q Are any of your wife's mother's brothers or sisters or any of their children living? A No.

This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw Choctaw Interpreter.

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Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*  
Subscribed and sworn to before me this the 26th day of December, 1901, at Carthage, Mississippi.

*L. B. Massey*  
Clerk U.S. Circuit Court, Southern District of Mississippi.

By *[Signature]* Deputy.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, May 11, 1901.

In the matter of the application of Scott York for the identification of himself, his wife and six minor children as Mississippi Choctaws.

Scott York, having been first duly sworn, upon his oath testified as follows: (Tom Anderson, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Scott York.  
Q What is your age? A About forty three.  
Q What is your post office address? A Standing Pine.  
Q How long have you lived in Leake County? A I raised in Leake County.  
Q All your life? A Yes.  
Q Is your father living? A Yes.  
Q What is his name? A Solomon York.  
Q Does he live in Mississippi? A Yes.  
Q Has he always lived in Mississippi? A Yes.  
Q Your father a full blood? A Yes.  
Q Is your mother living? A No.  
Q What was her name? A Martha.  
Q Was she a full blood? A Yes.  
Q Did your mother always live in Mississippi? A Yes.  
Q You claim to be a full blood? A Yes.  
Q Were either your father or mother recognized in any manner or enrolled as members of the Choctaw tribe of Indians out in Indian Territory by the Choctaw authorities or the authorities of the United States? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Sealy.  
Q Is your wife living? A Yes sir.  
Q Are you living with her at this time? A Yes.  
Q Do you want to make application for her too? A Yes.  
Q Is she a full blood Choctaw? A Yes.  
Q How old is she? A About forty six.  
Q Has she always lived in Mississippi? A Yes.  
Q Is her father living? A No.  
Q What is his name? A Ben Abononta.  
Q Is Ben Abononta dead? A I don't know.  
Q Did you ever see him? A No sir.  
Q Where did he live? A I can't tell you.  
Q You think he is dead do you? A Yes.  
Q You don't know whether he always lived in Mississippi or not? A Yes sir.  
Q Was he a full blood Choctaw? A Yes sir.  
Q Is your wife's mother living? A No sir.  
Q What was her name? A I don't know.  
Q Is she living? A No sir, dead.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she always live in Mississippi? A Yes.

Scott York, et al., #2.

Q Have all of your wife's ancestors always lived in Mississippi?

A Yes sir.

Q All of your ancestors have always lived here too? A Yes sir.

Q Were either of your wife's parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians out in Indian Territory, by the Choctaw tribal authorities or the United States authorities? A No, I don't know.

Q Have you any children under twenty one years of age and unmarried?

A Yes.

Q How many? A Six.

Q What are their names and ages? A John York.

Q How old is John? A 19.

Q The next? A Taylor.

Q How old? A 17.

Q The next one? A Evan.

Q How old is Evan? A 15.

Q The next one? A Bennett.

Q How old 13.

Q The next one? A Ben.

Q How old is Ben? A 9 years old.

Q The next one? A Alon.

Q How old is Alon? A 7 years old.

Q Is that all? A Yes sir.

Q These children are all living with you? A Yes sir.

Q What is the name of their mother? A Sealy.

Q You are the father? A Yes.

Q Were you married to Sealy under a license or according to the Choctaw custom? A Choctaw custom.

Q About when were you married to her? A About twenty years ago.

Q You have lived with her ever since. A Yes sir.

Q Is your name, or your wife's name, or the names of any of these children to be found upon any of the tribal rolls of the Choctaw Nation out in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities out in Indian Territory for yourself, your wife or any of these children to be enrolled as members of the Choctaw tribe? A No.

Q Did you, or any one for you, in 1898, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself, your wife or any of these children? A No.

Q Have either you, your wife, or any of these children, been admitted to citizenship in the Choctaw Nation, Indian Territory, by the Choctaw tribal authorities or the Commission to the Five Civilized Tribes, or by the United States Court for Indian Territory? A No, sir.

Q Have you ever made any application prior to this time for yourself, your wife or any of these children, either to the Choctaw tribal authorities or to the United States authorities, to be enrolled or admitted as citizens of the Choctaw Nation? A Yes two years ago, at Carthage.

The records of the Commission show that on January 25, 1898, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, his wife and the children above named, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 77; also, upon page 45 of the Schedule of Mississippi Choctaws which accompanied the report of March 10, 1898, of the Commission to the

Scott York, et al., #3.

Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 287, 288, 289, 290, 291, 292, 293 and 294, respectively, thereon.

Q This application made two years ago is the only application of any description that ever been made for yourself, your wife or any of your children? A Yes.

Q You now desire to make application for the identification of yourself, your wife and these minor children as Mississippi Choctaws?

A Yes.

Q You claim your rights as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek?

A Yes.

Q Did you ever receive any benefits as a Choctaw Indian? A No.

Q Did your wife ever receive any? A No.

Q Did any of your ancestors ever, or any of your wife's ancestors, ever receive any benefits as Choctaw Indians? A I don't know.

Q Were any of your ancestors, or any of your wife's ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made? A I don't know.

Q Do you know whether any of your ancestors, or any of your wife's ancestors were, at that time, recognized members of the Choctaw tribe of Indians? A I don't know.

Q Do you know whether any of your ancestors, or any of your wife's ancestors removed from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time when the main part of the Choctaw tribe moved out there between the years 1833 and 1838? A I don't know.

Q Do you know whether any of your ancestors or any of your wife's ancestors, within six months after the Treaty of Dancing Rabbit Creek, signified to the United States Indian Agent for the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A No sir.

Q Did any of your ancestors, or any of your wife's ancestors, ever claim or receive any land here in the State of Mississippi, as beneficiaries under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek? A No, I don't know.

Q Are there any additional statements you desire to make at this time in support of your application? A No.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any other proper papers showing that any of your ancestors or any of your wife's ancestors were, in the year 1830, when the Treaty of Dancing Rabbit Creek was made, recognized members of the Choctaw tribe of Indians, or that any of them ever complied or attempted to comply with the provisions of the Fourteenth Article of that Treaty, or that any of them ever received any benefits under that Article? A No.

(This applicant is to all appearances a full blood Indian. He speaks the Choctaw language and some English, the examination having been conducted in part through a sworn Choctaw interpreter.)

Scott York, et al., #4.

The decision of the Commission as to the application you make at this time for the identification of yourself, your wife and six minor children as Mississippi Choctaws will be determined at the earliest possible date, and a report of same made to the Secretary of the Interior, conformable to the provisions of the Twenty First Section of the Act of Congress of June 28, 1898, and a copy of the same will be mailed to you to your post office address as given in your testimony.

R.S.Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of May, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 18th day of June, 1901.

*[Signature]*

Notary Public

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Carthage, Mississippi, May 7, 1901.

In the matter of the application of Wilson Dixon for the identification of himself and three minor children as Mississippi Choctaws;

Wilson Dixon, having been first duly sworn, upon his oath testifies as follows, through Thomas Anderson, official interpreter:

Examination by the Commission:

- Q What is your name? A Wilson Dixon.  
Q What is your age? A I think about thirty six.  
Q What is your post office address? A Saint Anns.  
Q What county? A Leake county, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q Is your father living? A No sir, he is dead.  
Q What was his name? A Dixon.  
Q Any other name? A That is all I know.  
Q Did he have any Choctaw name? A No, I don't think he had.  
Q Is your mother living? A Yes.  
Q What is her name? A Louisa.  
Q Does she go by name of Louisa Dixon? A I don't know.  
Q Was your father a full blood Choctaw? A I reckon he was, I know I never did see him.  
Q Is your mother a full blood Choctaw? A Yes.  
Q Has she always lived in Mississippi? A Yes.  
Q Have all of your ancestors always lived in Mississippi? A Yes.  
Q You claim to be a full blood Choctaw, do you? A Yes.  
Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities out there or by the United States authorities? A I don't know.  
Q Are you married? A No sir.  
Q You have been married, have you? A Yes.  
Q And your wife is now dead? A Yes.  
Q What was her name? A Paralee.  
Q When did she die? A About April 3, 1900.  
Q Was she a full blood Choctaw? A Yes.  
Q Did she live in Mississippi all her life? A Yes.  
Q Did her father and mother live in Mississippi all their lives? A Yes.  
Q Did all of her ancestors always live in Mississippi as far as you know? A Yes, I think so.  
Q Was Paralee ever enrolled or recognized in any manner as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the United States authorities? A I don't know.  
Q You do not know whether either her father or mother were recognized in that manner or not? A No.  
Q Have you any children who are now living and under twenty one years of age and unmarried? A Yes.  
Q How many? A Three.  
Q What are their names and ages? A Oldest one named Cainus Dixon.  
Q How old is Cainus? A Ten years old.  
Q What is the name of the next? A Wallace.  
Q How old is Wallace? A Five years old.  
Q Next one? A Abbie.  
Q How old is Abbie? A About two years and a half.  
Q Is that all your children? A Yes.

Wilson Dixon---2.

- Q These children are living with you? A Yes.  
Q This application then is for yourself and three minor children?  
A Yes.  
Q Are you the father of all three of these children? A Yes.  
Q What is the name of their mother? A Paralee.  
Q Is she the mother of all of them? A Yes.  
Q Were you married to Paralee under a license or according to the Choctaw custom? A I didn't buy no license.  
Q Just under the Choctaw custom? A Yes.  
Q How long did you live together as man and wife---until her death?  
A Yes.  
Q Is your name or the name of any of these children upon the Choctaw tribal rolls out in Indian Territory? A I don't know.  
Q Did you ever make application to the Choctaw tribal authorities out in Indian territory to have your name or the names of any one of these children placed upon the tribal rolls? A No.  
Q Did you make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation for yourself or your children? A Yes.  
Q And then you made another application two years ago when the Commission was here? A Yes.  
Q Two applications you have made? A Yes.

The records of the Commission fail to disclose that this applicant made any application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation.

- Q Was this application you made to the Commission two years ago the only application you have ever made except the one you claim to have made in 1896? A That is all

The records of the Commission show that on January 25, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, his wife Paralee, and his minor children, Cainus, Wallace and Abbie Dixon, and his minor step child, Rosie Willis, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field No. 97; also upon page 47 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being Nos. 344 to 349 inclusive respectively thereon.

- Q You want to make application at this time for the identification of yourself and three minor children as Mississippi Choctaws do you?  
A Yes.  
Q Do you claim your rights as beneficiaries under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or the treaty of 1830 between the United States and the Choctaw tribe of Indians? A I don't know.  
Q I will read the fourteenth article of the treaty of 1830 to you:

"Each Choctawhead of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of ~~land~~ one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quan-



Wilson Dixon---3.

tity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Have you ever received any benefits as a Choctaw Indian? A No.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A I don't know.

Q What is the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi and Alabama and who were acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was made between the Choctaw Indians and the United States government? A Don't know.

Q Have you any evidence showing that these ancestors were recognized members of the tribe at that time? A No.

Q Did these ancestors remove from Mississippi and Alabama and go to the Indian Territory with the other Indians seventy years ago, between the years 1833 and 1838. A Don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent then living in Mississippi that they intended to stay in Mississippi and take land here and become citizens of the states? A I don't know.

Q Have any of your ancestors ever claimed or received any land in Mississippi under article fourteen of the treaty of 1830? A Don't know.

Q Anything further you want to say in support of your claim? A That is all.

Q Have you any documentary evidence, affidavits, written testimony of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were recognized members of the Choctaw tribe of Indians in 1830 or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or ever received any benefits thereunder. A No.

This applicant has all the appearances and characteristics of a full blood Choctaw Indian. He speaks the Choctaw language and does not speak the English language, his testimony having been given to the Commission principally through a sworn Choctaw interpreter.

The decision of the Commission as to the application made by you at this time for the identification of yourself and your three minor children as Mississippi Choctaws, will be determined at the earliest possible date and a report of the same made to the secretary of the Interior conformable to the provisions of the twenty first section of the act of Congress of June 26, 1898, and a copy of the same will be mailed to you at your post office address as given in your testimony.

And now on this 8th day of May, 1901, Hudson & Arnold, attorneys for applicant, through their agent, J. A. Tippet, appear before the Commission to the Five Civilized Tribes at Okmulgee, Mississippi, and request leave to file documentary evidence in support of this claim within thirty days from the date of the hearing of said application.

A. A.



Wilem Nixon--4.

W. G. Risteen, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 7th and 8th days of May, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said dates.

*W. G. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 22nd day of May, 1901.

*[Signature]*  
Notary Public.

29  
DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Madison Ben, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

|                                      |             |
|--------------------------------------|-------------|
| Madison Ben, et al.,                 | M.C.R. 4378 |
| Peter Ben (Ah-fin-ah-tubbee), et al. | M.C.R. 4236 |
| Jim Ben, et al.,                     | M.C.R. 4426 |
| Robison Ben, et al.,                 | M.C.R. 4425 |

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
on December 12, 1901 by Madison Ben for himself, his wife, Laura  
Ben, his four minor children, Jesse, Ida, Charlie and Olin Ben, and  
his minor step-child, Finkley Ben; on November 26, 1901 by Peter  
Ben (Indian name, Ah-fin-ah-tubbee), for himself and his minor child,  
Flea Ben; on December 23, 1901 by Jim Ben for himself, his wife,  
Sophia Ben, and his two minor children, John and Sam Ben; and on  
December 23, 1901 by Robison Ben for himself, his wife, Missouri  
Ben, and his three minor children, Maggie, Charlie and Floyd Ben,  
under the following provision of the act of Congress approved June  
28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said applications, it appears that Madison Ben, Jesse Ben, Ida Ben, Peter Ben, (Ah-fin-ah-tubbee), Jim Ben, John Ben, Sam Ben, Robison Ben, Missouri Ben, Maggie Ben, Charlie Ben and Floyd Ben are full-blood Mississippi Choctaw Indians. All the other applicants are mixed blood Choctaws, and whatever rights as Mississippi Choctaws they may possess by reason thereof will be determined at a later date.

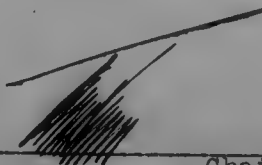
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

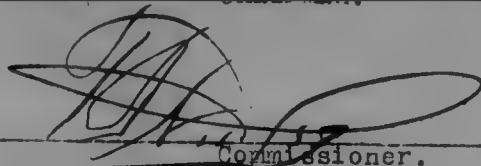
-3-

It is, therefore, the opinion of this Commission that Madison Ben, Jesse Ben, Ida Ben, Peter Ben (Ah-fin-ah-tubbee), Jim Ben, John Ben, Sam Ben, Robison Ben, Missouri Ben, Maggie Ben, Charlie Ben and Floyd Ben should be identified as Mississippi Choctaws, and it is so ordered.

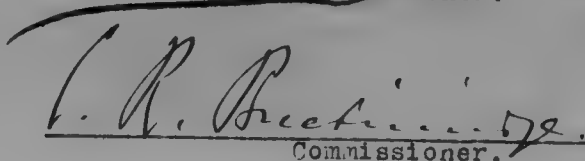
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

APR 26 1904

COPY!

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Madison Ben, et al., for identification as Mississippi Choctaws, consolidating the applications of:

|                      |             |
|----------------------|-------------|
| Madison Ben, et al., | N.C.R. 4378 |
| Peter Ben, et al.,   | N.C.R. 4236 |

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Madison Ben for himself, his wife, Laura Ben, his four minor children, Jesse, Ida, Charlie and Olin Ben; and his minor step-child, Finkley Ben; and by Peter Ben for himself and his minor child, Bles Ben, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said applications

it appears that Madison Ben, Jesse Ben, Ida Ben and Peter Ben, who are full-blood Mississippi Choctaw Indians, were, on April 26, 1904, duly identified by this Commission as Mississippi Choctaws, under the provisions of Section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). The evidence herein shows that all the other applicants are mixed blood Choctaws, and as such do not come within the purview of said Section.

It also appears that Laura Ben, wife of the principal applicant in M.C.R. 4378, claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Billy Baker, who is alleged to have been a Choctaw Indian, degree of blood not stated, and Lucy Baker, who is alleged to have been a full-blood Choctaw Indian, and that Charlie Ben, Olin Ben and Finkley Ben, minor applicants in M.C.R. 7348, and Blea Ben, minor applicant in M.C.R. 4236, claim said rights by reason of being descendants of the above named ancestors and Ben (or Ben Abenonta) and Jennie (Indian name, Ha-yah), both of whom are alleged to have been full-blood Choctaw Indians.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor are any of the applicants herein parties litigant before the Choctaw-Chickasaw Citizenship Court

created under the act of Congress approved July 1, 1902, (32 Stats., 641).

It is found that the name Jenny appears on page 690 and the name Ben on pages 580 and 583 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742; and the name Ben also appears on pages 912, 1127 and 1128 of Volume II of said record, in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty, but it does not appear from the evidence submitted in support of said applications, that the ancestors through whom these applicants claim are identical with any of the persons whose names appear in the records above cited.

It is further found that a person bearing the name Ben received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek," but it does not appear that the Ben who received such scrip is the identical Ben (or Ben Abononta), through whom these applicants claim.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Billy Baker, or Lucy Baker, or Ben (or Ben Abononta), or Jennie (Indian name Ha-yah), or an ancestor less remote, signified (in person or by proxy), to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights

thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura Ben, Charlie Ben, Olin Ben, Finkley Ben and Elza Ben, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED Tams Dixby.  
Chairman.

SIGNED I. B. Needles.  
Commissioner.

SIGNED C. R. Breckinridge.  
Commissioner.

Yuskogee, Indian Territory,

SEP 13 1904



Muskogee, Indian Territory, April 21, 1903.

Madison Ben,

Standing Pine, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother, Laura Ben, and that of the midwife, Sealy York, to the birth of Alice Ben, infant daughter of Madison and Laura Ben, April 1, 1902.

In reply your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Under the above legislation the Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 22, 1903.

M. P. Foy,

Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask if the following named persons have been identified as Mississippi Choctaws:

Madison Ben  
Finkley Ben  
Jessie Ben  
Ida Ben

Laura Ben  
Charley Ben  
Lonie Ben  
Ollie Ben.

In reply you are informed that it appears from our records that all of the above mentioned persons, with the exception of Lonie Ben, are applicants to this Commission for identification as Mississippi Choctaws.

The Commission has not up to the present time determined the right of these applicants to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission.

On May 7, 1901, Yarbey Willis made application to this Commission for the identification of himself, his wife Amy, and minor child, James Willis, as Mississippi Choctaws. Amy Willis, wife of Yarbey Willis, is identical with Lonie Ben for whom application was made by her father in 1899.

M P F 2

You are further advised that on February 14, 1903, the Commission rendered its decision identifying Yarbey Willis, his wife Amy, and minor child James Willis, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations. The letter of the Commission notifying Yarbey Willis of such action was mailed to him at his last known post office address, Free Trade, Mississippi.

The power of attorney enclosed by you is herewith returned.

Respectfully,

Chairman.

McM 18

40003

COMMISSIONERS:

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4378.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, September 4, 1903.

H. Van V. Smith,

Special Agent of the Government,

Meridian, Mississippi.

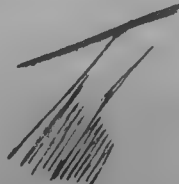
Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Madison Ben, of Standing Pine, Mississippi, for the identification of himself, his wife, four minor children, and minor step-son, as Mississippi Choctaws.

The principal applicant in this case, while apparently a full-blood Choctaw Indian, is unable to give the degree of Choctaw blood possessed by his mother, or the name of the mother of his first wife, Eliza. You are directed, if possible, to secure from Madison Ben or some other person or persons who have knowledge of these applicants, an affidavit, deposition or such other testimony as is procurable relative to said ancestors.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,



Enc.: M.C.R. 4378.

Chairman.

Meridian, Mississippi, September 24, 1903.

Madison Ben,

Standing Pine, Mississippi.

Dear Sir-

It appears from the records of the Commission that on December 11, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

Very respectfully,

File No. 26  
M C R 4378

Special Agent.

Meridian, Mississippi, November 23, 1903.

Madison Ben,

Standing Pine, Mississippi.

Dear Sir-

Under date of September 24, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 11, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully, ,

File 26

Special Agent.

COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BEALL,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R.  
4378, 4236,  
4426, 4425.

ADLER SS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 26, 1904.

M. P. Foy,

Sterrett, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 26, 1904, rendered its decision identifying Madison Ben, Jesse Ben, Ida Ben, Peter Ben (Ah-fin-ah-tubbee), Jim Ben, John Ben, Sam Ben, Robison Ben, Missouri Ben, Maggie Ben, Charlie Ben and Floyd Ben as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Chairman.

N.C.R. 4378

COPY:

Muskogee, Indian Territory, April 26, 1904.

Madison Ben,

Standing Pine, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 26, 1904, identifying you and your two children, Jesse Ben and Ida Ben, as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Tamc Dixby.*  
Chairman.

Registered.

Enc. MCR 4378.



Muskogee, Indian Territory, April 26, 1904.

Peter Ben (Ah-fin-ah-tubbee),

Walnut Grove, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 26, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

Registered.

Enc. MCR 4378.

COPY:

Muskogee, Indian Territory, April 26, 1904.

Jim Ben,

Walnut Grove, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 26, 1904, identifying you and your two minor children, John Ben and Sam Ben, as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*James Birby.*

Registered.

Chairman.

Enc. MCR 4378.

COPY:

Muskogee, Indian Territory, April 26, 1904.

Robison Ben,

Walnut Grove, Mississippi.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 26, 1904, identifying you, your wife Missouri Ben, and minor children, Maggie Ben, Charlie Ben and Floyd Ben, as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

*Jams Bixby.*

Registered.

Chairman.

Enc. MOR 4378.

M. C. R.  
4378, 4236,  
4426, 4426.

Muskogee, Indian Territory, April 26, 1904.

H. P. Foy,

Sterrett, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on April 26, 1904, rendered its decision identifying Madison Ben, Jesse Ben, Ida Ben, Peter Ben (Ah-fin-ah-tubbee), Jim Ben, John Ben, Sam Ben, Robison Ben, Missouri Ben, Maggie Ben, Charlie Ben and Floyd Ben as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before October 26, 1904, and must make proof of such removal and settlement on or before April 26, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*W. C. R.*

Registered.

Chairman.

M. C. R.  
4378, 4236,  
4426, 4425.

Muskogee, Indian Territory, April 26, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered April 26, 1904, identifying Madison Ben, Jesse Ben, Ida Ben, Peter Ben (Ah-fin-ah-tubba), Jim Ben, John Ben, Sam Ben, Robinson Ben, Missouri Ben, Maggie Ben, Charlie Ben and Floyd Ben as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Registered.

Enc. MCR 4378.

Larns Bixby.

Chairman.

See MCR 2724 for Registry receipt for this letter.

COPY.

Muskogee, Indian Territory, September 13, 1904.

Madison Ben,

Standing Pine, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 13, 1904, rendered its decision, refusing the applications for identification as Mississippi Choctaws of Laura Ben, Charlie Ben, Olin Ben, and Finkley Ben.

You are further notified that the applicants are allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Dixby.*

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, September 13, 1904

Wansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 13, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Madison Ben, et al.

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Jame Bixby.*

Chairman.

Incl. MCR 4378.

Muskogee, Indian Territory, October 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated Mississippi Choctaw case of Madison Ben, et al., including the decision of the Commission of September 13, 1904, refusing the applications of the following persons included in said case: Laura Ben, Charlie Ben, Olin Ben, Finkley Ben and Alea Ben, for identification as Mississippi Choctaws.

The Commission has the honor to report that the principal applicants herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

You are further advised that Madison Ben, Jesse Ben, Ida Ben and Peter Ben, applicants in this case, were identified by this Commission as full-blood Mississippi Choctaws on April 26, 1904, their names appearing upon a schedule of duly identified Mississippi Choctaws, approved by the Secretary of the Interior on July 16, 1904 opposite numbers 2077, 2078, 2079 and 2080, respectively.

Respectfully,

Through the

Chairman.

Commissioner of Indian Affairs.



(Copy)

DEPARTMENT OF THE INTERIOR,

Land.  
69759-1904.

OFFICE OF INDIAN AFFAIRS,

Washington, December 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated October 1, 1904, transmitting the record of the consolidated applications for identification as Mississippi Choctaws by Madison Ben for himself, his wife, Laura Ben, his four minor children, Jesse, Ida, Charlie and Olin Ben; and his minor step-child, Finkley Ben; and by Peter Ben for himself and his minor child, Blea Ben.

April 26, 1904, the Commission duly identified as full-blood Mississippi Choctaws, Madison Ben, Jesse Ben, Ida Ben and Peter Ben.

September 13, 1904, the Commission decided adversely to all the other applicants.

The evidence shows that all the other applicants are mixed blood Choctaws. It also appears that Laura Ben, wife of the principal applicant claims rights in the Choctaw lands, under article 14 of the treaty of Dancing Rabbit Creek by reason of being a descendant of Billy Baker, who is alleged to have been a Choctaw Indian, degree of blood not shown, and

Lucy Baker, who is alleged to have been a full-blood Choctaw Indian, and that Charlie, Olin, Finkley and Blea Ben claim said rights by reason of being descendants of the above named ancestors and Ben (or Ben Abononta) and Jennie ( Indian name Ha-yah), both of whom are alleged to have been full-blood Choctaw Indians.

It further appears from the record, and from the records of this office, that none of the applicants has ever been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal, nor are any of the applicants parties litigant before the Choctaw-Chickasaw Citizenship Court.

It is found that a person bearing the name, Ben, received scrip as a beneficiary under article 14 of the treaty of 1830, but it does not appear that the Ben who received such scrip is the identical Ben (or Ben Abononta), through whom the applicants claim.

It does not appear from the record, or from the records of this office, relating to persons who complied, or attempted to comply, with the provisions of article 14 of the treaty of 1830, and to persons who heretofore were claimants thereunder, that the said Billy Baker, or Lucy Baker, or Ben (or Ben Abononta), or Jennie (Indian name Ha-yah), or an ancestor less remote, signified in person or by proxy to any person an intention to comply with the provisions of said article 14, or presented a claim to rights under that or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to Laura, Charlie, Olin, Finkley and Blea Ben is recommended.

Very respectfully,

A.C. Tonner

Acting Commissioner.

M.M.H.  
V.

(COPY)

WCF

DEPARTMENT OF THE INTERIOR,

PHE.

D. C. 48777-1904.  
I.T.D. 12342-1904.

WASHINGTON.

December 13, 1904.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

October 1, 1904, you transmitted the record in the consolidated Mississippi Choctaw case of Madison Ben, et al., (M.C.R. 4378), including your decision of September 13, 1904, rejecting the applications for the identification of Laura Ben, Charlie Ben, Olin Ben, Pinkley Ben and Blea Ben, you having on April 26, 1904, duly identified the other applicants in the case, Madison Ben, Jesse Ben, Ida Ben and Peter Ben, as full blood Mississippi Choctaws.

Reporting December 7, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, December 22, 1904.

Madison Ben,

Standing Pine, Mississippi,

Dear Sir:

You are hereby notified that on the 13th day of December 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Laura Ben, Charlie Ben, Olin Ben and Finkley Ben, included in the consolidated case of Madison Ben et al., of which decision you were advised by registered mail on the 13th day of September, 1904.

Respectfully,

SIGNED

*Jams Bixby*

Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 13th day of December, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of Laura Ben, Charlie Ben, Olin Ben, Virkley Ben and Blea Ben, included in the consolidated case of Madison Ben, et al., a copy of which decision was mailed you on the 13th day of September, 1904.

Respectfully,

SIGNED,

*Tamr Bixby*

Chairman.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

IN RE

*Identification*  
Application for ~~enrollment~~ of

INFANT CHILD

*Olin Ben*

as a ~~citizen~~ of

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

EC 17 1901

*[Signature]*  
ACTING CHAIRMAN.

Approved

190

Commissioner.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

*See Miss Choc Card Guid No 64.*

The within application is accepted as evidence of the birth of the within named child and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its enrollment as a citizen of the Choctaw Nation.

*[Signature]*

Acting Chairman.

MISSISSIPPI CHOCTAW. #62.

4378

BIRTH AFFIDAVIT.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for <sup>Identification</sup> ~~Registration~~, as a citizen of the ~~Indian Territory~~ <sup>State of Mississippi</sup> ~~Nation~~.  
of Olin Ben born on the 10 day of March : 1900.  
Name of Father: Madison Ben a citizen of the ~~Indian Territory~~ <sup>State of Mississippi</sup> ~~Nation~~.  
Name of Mother: Laura <sup>1/2 blood</sup> a citizen of the ~~Indian Territory~~ <sup>State of Mississippi</sup> ~~Nation~~.  
Post-office, Standing Pine, Miss

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
~~Indian Territory~~ <sup>State of Mississippi</sup> District, }  
County of Leake  
I, Laura Ben, on oath state that I am 30  
years of age and a citizen by 1/2 blood of the Choctaw Indian Nation;  
that I am the lawful wife of Madison Ben, who is a citizen by  
Full blood of the Choctaw Indian Nation, that a male child was  
(male or female)  
born to me on the 10 day of March 1900; that said child has been  
named Olin Ben, and is now living.

WITNESSES TO MARK  
(Must be Two Witnesses) Laura Ben her mark  
Guy L. V. Emerson mark  
Oscar Billy

Subscribed and sworn to before me this 13 day of December 1901.

L. B. Moseley Clerk  
U.S. Circuit Court So Dist of Mississippi  
By Matthew D. C.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, }  
~~Indian Territory~~ <sup>State of Mississippi</sup> District, }  
County of Leake  
I, Madison Ben, on oath state that I  
attended on Mrs. Laura Ben, my wife at  
on the 10 day of March 1900; that there was born to her on  
said date a male child; that said child is now living and ~~is said to have~~ been  
(male or female)  
named Olin Ben.

WITNESSES TO MARK  
(Must be Two Witnesses) Madison Ben his mark  
Guy L. V. Emerson  
Oscar Billy

Subscribed and sworn to before me this 11 day of December 1901.

L. B. Moseley, Clerk  
U.S. Circuit Court So Dist of Mississippi  
By Matthew D. C.



*IN RE*  
**FOR IDENTIFICATION AS**  
*Application for Enrollment of*  
**MISSISSIPPI CHOCTAW.**  
*INFANT CHILD*

*as a citizen of the*  
**FOR IDENTIFICATION AS**  
*Nation.*

*Approved* \_\_\_\_\_ *190* \_\_\_\_\_

\_\_\_\_\_  
*Commissioner.*

## DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the

Nation,

of Alice Ben, born on the 1<sup>st</sup> day of April, 1902  
(Here insert name of child.)Name of Father: Madison Ben, a citizen of the Mississippi Choctaw Indian Nation.Name of Mother: Laura Ben, a citizen of the Mississippi Choctaw Indian Nation.Post-Office: Standing Pine Miss.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }

Leake County District. }

I, Laura Ben, on oath state that I am 36 years of age and a citizen, by Mississippi Choctaw Indian Nation; that I am the lawful wife of Madison Ben, who is a citizen, by full blood Mississippi Choctaw Indian Nation, that a female child was born to me on the 1<sup>st</sup> day of April, 1902; that said child has been named Alice Ben, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

P. L. Green  
S. A. Majors

Laura Ben  
for  
mark

Subscribed and sworn to before me this 15<sup>th</sup> day of April, 1902.

W. H. Green  
Ex officio Notary Public.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }

Leake County District. }

I, Leah York, a Midwife, on oath state that I attended on Mrs. Laura Ben, wife of Madison Ben, on the 1<sup>st</sup> day of April, 1902; that there was born to her on said date a female child; that said child is now living and is said to have been named Alice Ben.

WITNESSES TO MARK:

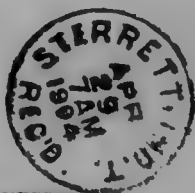
(Must be Two Witnesses.)

P. L. Green  
S. A. Majors

Leah York  
for  
mark

Subscribed and sworn to before me this 15<sup>th</sup> day of April, 1902.

W. H. Green  
Ex officio Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JUN 4 1904



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOCHEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for postpaid, \$300.

MUSKOCHEE, IND. TER.  
APR 27 1904  
REGISTERED



Delivery to Writer  
M. P. Foy,

Sterrett, Indian Territory.

JUN 2 - 1904

For Identification as a Mississippi Choctaw.  
 Carthage, Miss.

Date DEC 11 1901

Name Madison Ben

Age 50 Blood full

Post Office, Standing Pine, Miss

Father: — Ben — d

Mother: Jennie " d  
 Ha-yah

Claims through both parents

Wife Laura Ben (1/2) 30

Father — don't know

Mother Julia Sam L

(Wife claims through mother)

(Claims for self, wife, 4 minor children  
 and one minor stepchild)

Children:

Charlie Ben (3/4) 3

Olin " (3/4) 1

Jesse Ben 18-

Ida " 14-

Mother Eliza Ben (full) d

Finkley Ben (3/4) 5

Father Peter Ben L

Mother Laura Ben (full brother of applicant.) L

(See Miss. Choctaw card filed No.

62. Appearance 125/79)

Stenographer

R. I. Street.  
 (over)

Applicant does not know  
name of any of his ancestors  
except father and mother.

The only ancestor of Laura  
except her mother, whose  
name is known is her  
mother's father Billy Baker.

Applicant's first wife Eliza  
was a sister of Julia, mother  
of his 2<sup>nd</sup> wife. Applicant  
knows no other ancestor  
of Eliza except her father  
Billy Baker.

Choctaw MCR 4379

Billy Johnson

MCR 4379

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Billy Johnson, et al.,  
for identification as Mississippi Choctaws, M.C.R.4379.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Billy Johnson, et al., for  
identification as Mississippi Choctaws, M.C.R. 4379.

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I N D E X .

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|--|------|
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| Original application of Billy Johnson,<br>et al., before the Dawes Commission for<br>identification as Mississippi Choctaws,.....    | 1    |
| Decision of the Commission granting<br>the application of Billy Johnson, et al., for<br>identification as Mississippi Choctaws,..... | 7    |

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 11, 1901.

4379.

In the matter of the application of Billy Johnson for the identification of himself, and minor children, Mellie, George, Millan and Smith, as Mississippi Choctaws.

Billy Johnson, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Billy Johnson.  
Q How old are you? A I expect about forty nine years old.  
Q How much Choctaw blood have you? A Full blood.  
Q What's your post office address? A Carthage, Mississippi.  
Q How long have you lived in Leake County? A Most all my life time, I reckon - most of the time. I raised in Neshoba; I born there.  
Q You have lived in Leake and Neshoba Counties all your life?  
A Yes.  
Q Is your father living? A No, been dead long time.  
Q What was his name? A Billy; I reckon that's all.  
Q No other name? A No, I don't believe so.  
Q Don't you remember his Choctaw name? A No.  
Q Have you a Choctaw name? A No.  
Q When did your father die? A Died long time, when I was little fellow.  
Q He was a full blood was he? A I reckon so.  
Q Do you know the name of his father or his mother? A No, I don't know anything about them.  
Q Did your father always live in Mississippi? A Yes.  
Q Is your mother living? A No, died long time ago.  
Q How old were you when she died? A I don't remember her.  
Q What was her name? A Sookie.  
Q Was she a full blood Choctaw? A Yes.  
Q Always lived in Mississippi? A Yes.  
Q Do you know the name of either one of her parents? A No.  
Q Are you married? A Yes, No.  
Q Have you been married? A Yes.  
Q What was your wife's name? A Phelia, the daughter of Peter Ben.  
Q You are not living with her now? A No.  
Q How long have you been separated? A Been seven or eight years, I reckon.  
Q Were you ever married more than once? A No.  
Q How many children have you living with you? A Four.  
Q What are their names and ages? A Mellie.  
Q How old? A About sixteen.  
Q What is the next one? A George, about fourteen, I reckon.  
Q The next one? A Miller, about 12 years old.  
Q The next one? A Smith, about ten years old.  
Q That's all, is it? A That's all.  
Q These children all living with you? A Yes, all living with me.  
Q Are they all the children of yourself and Phelia? A Yes.  
Q Phelia and you have been separated for about how long? A About

Billy Johnson, et al., 2.

eight years, I reckon.

Q She is married again? A Yes.

Q What is her last husband's name? A Harrison Nelson, the son of Coleman Nelson.

Q Is Phelia a full blood? A Yes.

Q Is your name, or the name of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?

A Never did make an application to anybody, only the Commission here three years ago.

The records of the Commission show that on the 25th day of January, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, and his children Mollie, George, Miller and Smith as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 49; also upon page 40 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 172, 173, 174, 175 and 176, respectively, thereon.

Q This application made by you three years ago, then, is the only application of any kind you have ever made, is it? A Made application last spring some time.

Well, Mr. Winton is not a representative of the Government or the tribal authorities.

Q I mean this application you made three years ago is the only application of any kind you ever made to the Commission, or any other authority? A That's all.

Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and along the western edge of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was

Billy Johnson, et al.,3.

put in the treaty. That 14th article provided that upon certain conditions those Choctaws who preferred to stay here in Mississippi might receive land here in Mississippi from the Government.

Q Do you understand that 14th article? A Not hardly.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors ever comply or attempt to comply with its provisions? A If they did, I don't know it.

Q Were any of them living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A If they did, I don't know it.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe here at that time? A If they were, I don't know it.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know; some of them might remove; but I don't know which one of them did remove.

Q Did you ever hear that any of them moved out there at that time? A No.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the Government here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know that.

Q

Billy Johnson, et al., 4.

Q Did any of them ever receive any land here in Mississippi from the Government of the United States under any other article of the treaty of Dancing Rabbit Creek than the 14th article, or under the supplement to that treaty? A If they did, I don't know it.

Q Did you ever hear of any of your ancestors or any of your wife's ancestors ever having gotten any land here in Mississippi from the United States Government? A No, never heard.

Q Did you ever hear of any of them ever having gotten any money?

A If they did, I don't know it.

Q Did you ever see or hear of any deed or patent, issued to any of your ancestors or any of your wife's ancestors, covering land here in Mississippi received from the Government of the United States? A No, never seen or heard.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to stay here and take land, and on this account, the Government, at its public land sales here in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States, and the commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, and a later Act of Congress approved on the 22nd day of February, 1838, they were unable to hear but a comparatively small number of these cases. It therefore, became necessary for Congress to make further provisions by which the remainder of these Indians might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This commission was duly appointed by the President of the United States, and the Commissioners came down here to Mississippi and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors appear before either of these commissions and attempt to establish their

Billy Johnson, et al., 5.

rights under article 14 of the treaty of Dancing Rabbit Creek?  
A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land else where in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors ever receive any of this scrip from the United States Government under this Act of Congress? A Never seen or heard of any such a thing.

Q Do you know any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of this application, they may appear before the Commission at any one of its appointments here in Mississippi, this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the General office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time in support of your application? A No.

Q Has Phelia the mother of your children always lived here in Mississippi? A Yes.

Q Is her mother living? A No, been dead long time.

Q What was her name? A Winnie.

Q And her father's name is Peter Pen? A Yes.

Q Do you know the name of any one of the grand parents of Phelia? A No.

Q Have you any brothers living? A No.

Q Have you any brothers dead? A Yes.

Q Any of the children of any of those deceased brothers living?

A Yes, Sidney John.

Q He is the son of one of your brothers, is he? A Yes.

Q What was your brother's name? A John Billey, I reckon.

Q Have you any sisters living? A No.

Q Did you ever have any sisters, who are now dead? A Yes, one died last Saturday night.

Q What was her name? A Betsey Sam, the wife of Jim Sam.

Q Did you ever have any other sisters? A Yes, but all died long ago.

Billy Johnson, et al., 6.

- Q Did they leave any children? A Yes, one.  
Q What is that child's name? A Eliza Jane Sam, the wife of Green Sam; that's all living.  
Q Has this sister who died last Saturday night any children living? A Yes, one.  
Q What is that child's name? A Wilson Betsey.  
Q Are any of Phelia's brothers or sisters living? A Yes, one sister and two brothers.  
Q What are their names? A Robinson Ben and Jim Ben.  
Q What is the sister's name? A I can't tell you hardly.  
Q Who was she married to? A Ben Comby, her name is Dump Comby.  
Q Are any of Phelia's brothers or sisters dead that you know of? A I guess so, been long time; I don't know.  
Q Do you know whether any of them left any children, if any of them are dead? A No, I don't think so.  
Q Are any of your father's brothers or sisters, or their children living? A No.  
Q Are any of your mother's brothers or sisters, or their children living? A Have one living.  
Q What is that child's name? A Austin Sam.  
Q Do you know his wife's name? A No, I don't know.  
Q What was his father's name? A Sam.  
Q What was his mother's name? A I don't know.  
Q What kin was Sam to you? A Uncle.  
Q Your mother's brother? A Yes.  
Q Are any of Phelia's father's brothers living? A One, Madison.  
Q Has he any brothers dead? A I don't know.  
Q Has he any half brothers? A Yes, Ellis Sam and Captain Jim Sam.  
Q Has Phelia any sisters living? A Yes, Martha Jacobs.  
Q Any others? A No, I don't think there was.  
Q Has she any sisters dead? A I don't know.  
Q Do you know anything about Phelia's mother's people? A No, his mother raised up here on Redwater; I don't know nothing about none of them.  
Q You don't know whether any of her brothers or sisters are living, or whether any of their children are living? A No.

(This applicant has every appearance of being a full blood Indian. He speaks and understands the Choctaw language, and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of December, 1901, and that the above and foregoing is a full true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Natchez, Mississippi, this 21st day of December, 1901.

*R. S. Streit*  
*L. R. Mosley*  
Clerk U.S. Circuit Court,  
Southern District of Mississippi,

By *[Signature]*

Deputy.



1

1

*CW*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Billy Johnson, et al.,  
for identification as Mississippi Choctaws, M.C.R.4379.

.....D E C I S I O N.....

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 11, 1901, by Billy Johnson for himself and his four minor children, Mollie, George, Miller and Smith Johnson, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw

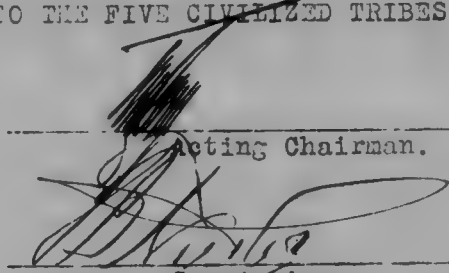


tribes of Indians, and for other purposes," approved July 1, 1902, (38 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Billy Johnson, Mollie Johnson, George Johnson, Miller Johnson and Smith Johnson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Billy Johnson and minor children, Mollie Johnson, George Johnson, Miller Johnson and Smith Johnson as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed, fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Billy Johnson and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
SIGNED:

*James D. ...*  
Sitting Chairman.

Registered.

Enc. MT. 45

COPY.

Muskogee, Indian Territory, March 11, 1903.

Billy Johnson,

Carthage, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, and your minor children Mollie, George, Miller and Smith Johnson, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Chairman.

Registered.

Enc. 4379.

No. 4379

Carthage, Miss. Date

Date DEC 11 1901

Name \_\_\_\_\_

Billy Johnson

Age

49

## Blood

full—

*Post Office.*

Carthage Miss.

Father.

Billy

d

*Mother*

Sookie

11

*d*

## Claims through

both parents.

(1) Claim for 1991

(P. d. n.)

Sept. 1881

*Children:*

Mollie

Johnson

16

George



14

Miller

11

12

Smith

11

10

Mother Phelia Nelson (full)

2

Father Peter. 1311

2

Möller W. 11

(Apparent descent from a common ancestor.)

(See Miss. Choc. card filed

№. 49. с. 154. 23/99.

## Stenographer

her  
R. S. Street

Billy Johnson. et al

R. 4379

COPY OF DECISION FORWARDED  
APPLICANT

MAR 11 1903

Choctaw MCR 4380

Ellis Sam

MCR 4380

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---C---

In the matter of the application of Ellis Sam, et al., for  
identification as Mississippi Choctaws.

---C---

Herein is the record in the matter of the application of  
Ellis Sam, et al., for identification as Mississippi Choc-  
taws, M.C.R. 4380.

---O---

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Ellis Sam, et al., for  
identification as Mississippi Choctaws, M.C.R. 4380.

--: I N D E X :--

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4380,  
Department of the Interior,  
Commission to the Five Civilized Tribes,  
Carthage, Mississippi, December 11, 1901.

In the matter of the application of Ellis Sam for the identification of himself, his wife, Julia, and minor son, Fountain, as Mississippi Choctaws.

Ellis Sam, having been first duly sworn, upon his oath testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Ellis Sam.  
Q How old are you? A Sixty eight.  
Q How much Choctaw blood have you? A Full blood.  
Q What is your post office address? A Free trade, Mississippi.  
Q Leake County, Mississippi? A Yes.  
Q How long have you lived in Leake County? A I been living here in Leake County; I was born in Neshoba, and I am about ten years old I leave Neshoba, and just raised up here on the river Tuskalamita all my life.  
Q You never have been in Indian Territory, have you? A No sir.  
Q Is your father living? A No sir.  
Q What was his name? A Sam - I don't know it. I was a baby when he died; I don't know nothing about it.  
Q Don't know any other name but Sam? A No.  
Q Do you know whether he was a full blood Choctaw? A Full blood Choctaw.  
Q You don't know what his Choctaw name was? A No.  
Q Have you a Choctaw name? A Yes.  
Q What is your Choctaw name? A Ellis Sam, is all.  
Q Do you know the name of your father's father, or his mother? A No. don't know nothing about it.  
Q Is your mother living? A No, been dead long time.  
Q What was her name? A Jennie.  
Q Was she a full blood? A Yes, sir.  
Q How old would she be if she were living now? A I don't know.  
Q Did she have a Choctaw name? A No, not that I know of.  
Q Do you know the name of her father or her mother? A No, I don't know nothing about either of them.  
Q You don't know the names, then, of any of your ~~wife's~~ ancestors except the names of your father and mother? A Yes, that's all I heard it, and that's all I know.  
Q Did your mother always live in Mississippi? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Julia.  
Q Is she a full blood Choctaw? A Yes, sir.  
Q Do you want to make application for her too? A Yes, sir.  
Q How old is she? A Forty Five.  
Q Has she always lived in Mississippi? A Yes, sir.  
Q Are you living with her now? A Yes, sir.  
Q Were you married to her under a license or according to the Choctaw custom? A Choctaw custom.

Ellis Sam, et al., 2.

Q How long have you lived with her? A About twenty three years.  
Q Were you ever married before you married her? A Yes, sir.  
Q Did your first wife die? A Yes, sir.  
Q Before you married the second one? A Yes, sir.  
Q What is the name of Julia's father? A Old Billy Baker; he died in Indian Territory.  
Q When? A About five or six or seven years ago, I reckon.  
Q Was he a full blood Choctaw? A Not as I know of.  
Q When did he go to the Indian Territory? A About ten or twelve years ago, I reckon; he lived close by Tricoum, and then he go down there at the time they come after them - time been about going - about sometime about twelve years ago.  
Q He lived in Mississippi all his life until he went out there?  
A Yes, sir.  
Q Do you know whether he was ever admitted to citizenship out there or not? A I don't know.  
Q Do you know the name of Billy Baker's father, or his mother?  
A No, sir.  
Q Was he an older man than you are? A Yes, sir.  
Q Is your wife's mother living? A No, sir.  
Q What was her name? A Lucy.  
Q Was she a full blood Choctaw? A Yes.  
Q You knew her did, you? A Yes, sir.  
Q Was she older or younger than you are? A Older than I am.  
Q How long has she been dead? A Been dead about - mighty near about thirty years; been dead long time.  
Q Did she always live in Mississippi? A Yes, sir.  
Q Do you know the name of her father or her mother? A No.  
Q Is Billy Baker the only one of your wife's ancestors who ever lived in Indian Territory? A Yes.  
Q None of your old folks ever lived out there? A No.  
Q Have you any children living who are unmarried and under twenty one years of age? A One; his name is Fountain, a boy.  
Q About how old? A He is thirteen years old.  
Q Is he living with you at this time? A Yes.  
Q Is he the child of yourself and Julia Sam? A Yes, sir.  
Q This application, then, is for yourself, your wife, and one minor child? A Yes, sir.  
Q Is your name or your wife's name, or the name of this child to be found upon any of the Choctaw tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself, your wife, or this minor child, to be admitted or enrolled as members of the Choctaw tribe? A No.  
Q Did you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation, for yourself, wife or this minor child, under the Act of Congress approved June 10, 1896?  
A Yes.

The records of the Commission fail to disclose that any application was made to the Commission in the year 1896 in behalf of this applicant, or his wife, or minor child, Fountain.

Q Have you ever made any application of any kind before to-day for yourself, wife or this minor child? A Yes, at Carthage.

Ellis Sam, et al., 3.

The records of the Commission show that on January 25, 1899, this applicant appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself, his wife, Julia, and his minor children, Nannie and Fontain, and his minor step-son, Millan, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 53; also, upon page 41 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers, 196, 197, 198, 199 and 200 respectively, thereon.

Q Is your name Sam Ellis or Ellis Sam? A Ellis Sam; my daddy named ~~Ellis~~ Sam, and white man give me the name of Ellis, and all call me Ellis, and that's all the name ~~Ellis~~ I had; I can recollect just one name, Ellis Sam.

Q Is your daughter Nannie living now? A Yes, sir.

Q How old is she? A Well, he was married the 17th of - I thinks about - been married going on two or three years; about twenty years old now.

Q What is the name of her husband? A Ben Primus.

Q Has she any children? A Got one child.

Q What is the child's name? A Matt.

Q She has not been before the Commission this year? A No, sir.

Q She will be here to-day? A Yes.

Q Is your step-son Millan living? A Yes, sir.

Q He is of age, is he not? A Yes, sir.

Q He will be here later? A Yes, sir.

Q Are these applications made by you in 1899, and the application which you think you made in 1896, the only applications of any kind you ever made? A Yes.

Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself wife and minor son under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to leave this country, and for the benefit of those who wanted to stay here, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in

Ellis Sam et al., 4.

Mississippi might receive land from the Government.

Q Do you understand that 14th article? A No.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors, or any of your wife's ancestors, ever comply or attempt to comply with the provisions of that article?

A If they did, I don't know it.

Q Were any of your ancestors, or any of your wife's ancestors living in the old Choctaw nation at the time this treaty was made? A If they were, living here at that time, I don't know it.

Q Did any of them own an improvement here at that time? A I don't know.

Q Were any of them recognizee members of the Choctaw tribe of Indians here at that time? A I don't know that.

Q Did any of them remove from the old Choctaw Nation, here in Mississippi, and Alabama, to the present Choctaw nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi know that they wanted to stay here in Mississippi and become citizens of the States? A If they did, I don't know it.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know that.

Q Did any of them ever claim or receive any land here in Mississippi under any other article of that treaty or under the supplement to that treaty? A I don't know that.

Q Did any of them ever get any land here in Mississippi from the Government that you know of? A No.

Ellis Sam, et al., 5.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any money from the Government? A No; I was a grown man when my mother died, and she never told me anything about getting any money.

Q Did you ever see, or hear of, any deed or patent issued to any of your ancestors, or any of your wife's ancestors covering land here in Mississippi received from the Government? A No, never heard

In accordance with the provisions of article 14 of the Treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register and report to the Government the names of such Choctaws as might desire to remain here and become citizens of the States, and take land under article 14 of the treaty. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did in fact let him know they wanted to remain here and become citizens of the States, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the third day of March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President of the United States and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the Acts of Congress under which they were appointed, and a later Act of Congress which was approved on the 22nd day of February, 1838, providing for the continuance of this commission in office, they were unable to dispose of but a comparatively small number of these cases. It therefore became necessary for Congress to make further provisions whereby the remainder of these Choctaws might be given hearings, so another Act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work. This second commission was appointed by the President of the United States, and the commissioners came down here to Mississippi in the early forties, and heard a great many more of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A If they did, I don't know it.

The Act of Congress approved August 2., 1842, provided that in case it should be finally determined that a Choctaw

Ellis Sam, et al., 6.

had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in lieu thereof land elsewhere in Mississippi, or Alabama, or Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your wife's ancestors ever receive any of this scrip from the Government of the United States under this Act of Congress? A No, never heard or seen.

Q Do you know any one living who would likely know whether any of your ancestors, or any of your wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?

A No.

Q Have you any witnesses here to-day? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before the Commission at any one of its appointments here in Mississippi this fall, or between January 15th and February 15th next, at Meridian, Mississippi, or within a reasonable time thereafter at the General Office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make in support of your application? A No.

Q Have you any brothers living? A Yes, two half brothers, Peter Ben and Madison Ben, and one full sister living, Martha Sam; she is a widow now.

Q What was her husband's name? A Done quit long time ago. She goes by the name of Martha Jacobs.

Q Have you any half brothers or full brothers dead? A Yes.

Q How many? A One.

Q Did he leave children? A Yes.

Q What was his name? A Captain Jim Sam; that was my full brother.

Q How many children did Captain Jim leave? A Just two.

Q Are they living now? A Yes, sir.

Q What are their names? A Feely Dixon, the wife of John Dixon, and Huddleston Sam.

Q Have you any half brothers who are dead now? A No.

Q Have you any full sisters dead? A Yes.

Q How many? A One.

Q Did she leave children? A Yes.

Q Are any of those children living? A Yes.

Q How many? A Two.

Q What are their names? A Bettie McMillan, the daughter of Simon McMillan, living down in Scott County, and Angeline Tillis, the wife of Murphy Tillis; who also lives in Scott County.

Q Is that all now? A Yes.

Q Did you ever have any half sisters? A The mother of these children was my half sister.

Ellis Sam, et al., 7 .

Q Then, you never had any full sisters who are now dead, did you?

A No.

Q Are any of your wife's brothers living? A No.

Q Has she any brothers or half brothers dead? A No.

Q Has your wife any sisters or half sisters living? A No.

Q Has she any sisters or half sisters who are now dead? A No.

Q Are any of your father's brothers or sisters, or any of their children living? A I don't know anything about them.

Q Are any of your mother's brothers or sisters, or any of their children living? A No, all done died.

Q Are any of your wife's father's brothers or sisters, or any of their children living? A No, aint none here.

Q Are any of your wife's mother's brothers or sister, or any of their children living? A No, none.

Q Have you any children living, who are over twenty one years of age? A Yes, one, green Sam.

Q What is green's wife's name? A Jane.

Q Have you any children dead who left children? A Yes; two of the children of one of my deceased sons are now living.

Q What was the name of that son? A Wash Sam.

Q How long has he been dead? A About seven years.

Q What are the names of those children? A Dennis Sam.

Q What is the other one's name? A Asa.

Q With whom do they live? A Live with grand mother, Sally Willey.

Q Did you have any children by your first wife? A Yes, the same one, Wash was my first wife's son. Wash had a full sister who is dead.

Q Did Wash's full sister leave any children? A No.

Q What was your first wife's name? A Mollie.

Q She was a full blood Choctaw was she? A Yes, sir.

Q Did she always live in Mississippi? A Yes, used to live in Redwater.

Q Did she have a Choctaw name? A No.

Q What was her father's name? A Name was Sam.

Q Full blood? A Yes.

Q Always live in Mississippi? A Yes, sir.

Q Did he have a Choctaw name - her father? A No.

Q What was her mother's name? A Maggie.

Q Was she a full blood too? A Yes, sir.

Q Are either of her parents living? A Dead long time.

Q Do you know the names of any one of her grand parents? A No.

Q Do you know whether any of your first wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A or ever receive any benefits under that article? A I don't know.

Q Do you know whether any of them ever appeared before either of these commissions that I have told you about, appointed in 1837, and 1842, and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether any of them ever got any scrip from the Government under this Act of Congress of August 23, 1842? A Never heard.

Q Do you know whether any of them were ever recognized members of the Choctaw tribe of Indians, or ever received any benefits whatever as such? A Nobody ever told me anything; and I don't know anything about it.



Ellis Sam, et al.,8.

(This applicant is to all appearances a full blood Indian. He speaks and understands the Choctaw language, and also speaks and understands English fairly well, the examination having been conducted partially in English, and partially through a sworn Choctaw interpreter.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 11th day of December, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

*R. S. Streit*

Subscribed and sworn to before me at Carthage, Mississippi, this 19th day of December, 1901.

*L. B. Mosley*

Clerk U. S. Circuit Court,  
Southern District of Mississippi,

By *J. M. W.*

Deputy.



Department of the Interior.  
Commission to the Five Civilized Tribes.

--o--  
"Carthage, Leake County, Miss., Wednesday, January 25th, 1899.

--o--  
Applications for identification as Mississippi Choctaws.  
--o--

Ellis Sam, the applicant, after being duly sworn, by Commissioner McKennon, testified as follows: I am 66 years old. I am a full blood Choctaw. My wife is a full blood and is named Julie. She is fifty years old. I have been married twice, and all the children by the first wife have married, but the children by the second wife are with me. The children by the first wife will come in themselves. I want to give in the children now with me. They are: Nannie, 17; Fountain, 10 years old. My father never went to the Territory. He lived here. My father was living at time Treaty of 1830 was made. His name was Sam. His Indian name was Himatasha. My wife has a child named Willan. He is one-half white. He is 19 years old. My mother's sisters child is living with me. Its name is Emaline Joe, and she is about 35 years old, and has a little boy named Thomas Joe, who is 14 years old. They are my kin folks and stay with me.

--o--

I, Harry C Risteen, stenographer to the Commission to the Five Civilized Tribes, do solemnly swear that the above and foregoing is a full, true and correct transcript of the record in the above entitled proceedings, as shown by the records of the Commission.

*Harry C Risteen*

Subscribed and sworn to before me this 10 day of February 1903.

*Charles H. Sauter*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.

--o--

In the matter of the application of Ellis Sam, et al., for  
identification as Mississippi Choctaws, M C R 4380.

--o--

State of Mississippi )  
                                  : ss       (Affidavit of Applicant)  
County of Leake )

Ellis Sam, having been first duly sworn, upon his oath  
testifies as follows:

Q State your name, age and post office address?

A Ellis Sam, Going on 70 yrs. Free Trade miss.

Q Are you the identical Ellis Sam who on December 11, 1901,  
made application to this Commission, at Carthage, Miss-  
issippi, for identification as a Mississippi Choctaw?

A Yes.

Q At that time did you also make application for your  
wife, Julia Sam, and your minor child, Fountain Sam?

A I did.

Q It appears from the records of the Commission that at  
the time you made the application above referred to,  
you were asked in your examination the following ques-  
tion in reference to Billy Baker, your wife's father:  
"Q Was he (Billy Baker) a full blood Choctaw?" to  
which question you made the following reply "Not as I  
know of."---Did you fully understand the question that  
was asked?

A I never understood the question that way.

Q Are you able to state at the present time whether Billy  
Baker, your wife's father, was a full blood Choctaw or  
not?

A Yes. I know that he was a full blood Choctaw.

Q If you are not able to give this information have you  
a witness present who was acquainted with Billy Baker  
and knows whether or not he was a full blood Choctaw;  
if so, what is the name of said witness?

A A. N. Langston.

(2)

Q Is there any other statement you desire to make?

A Billy Baker died in I. T. about 3 yrs. ago.  
one son Oscar Baker lives in the Territory at present  
and two daughters also.

Witnesses to Mark:

A. H. Langdon

J. M. Scott

Ellis Egan  
(Signature of Applicant)

(There must be two witnesses if signature is by mark).

Subscribed and sworn to before me at Carthage  
Mississippi, this 2<sup>nd</sup> day of March, 1903.

L. L. Parwick  
Notary Public.

my collection is Billy Baker lived near Clarksburg do St Smith when he died

Department of the Interior.  
Commission to the Five Civilized Tribes.

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In the matter of the application of Ellis Sam, et al.,  
for identification as Mississippi Choctaws, M C R 4380.

--o--o--

State of Mississippi :  
County of Leake :ss (Affidavit of Witness)

Jeff. M. Scott, having been first duly sworn,  
upon his oath testifies as follows:

Q State your name, age and post office address?

A Jeff. M. Scott, age 42, True Trade Miss

Q Are you acquainted with Julia Sam, the wife of Ellis Sam?

A Yes, I am.

Q Were you acquainted with the parents of the said Julia Sam?

A Yes, with both.

Q What was the name of her father? A Billy Baker

Q Was he a full blood Choctaw Indian? A He was.

Q What was the name of her mother? A Lucy Baker

Q Was she a full blood Choctaw Indian? A Yes, she was.

Witnesses to Mark:

A. H. Langston

Jeff. M. Scott  
(Signature of Witness)

(If Signature is by mark  
there must be two wit-  
nesses.)

Subscribed and sworn to before me at Carthage  
Mississippi, this 2 day of March, 1903.

C. L. Warwick  
Notary Public.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Ellis Sam, et al., for identification as Mississippi Choctaws, M.C.R. 4380.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 11, 1901, by Ellis Sam for himself, his wife, Julia Sam, and his minor child, Fountain Sam, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application, it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

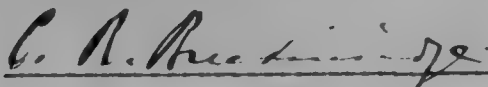
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Ellis Sam, Julia Sam and Fontain Sam should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
C. A. R. [unclear]

Muskogee, Indian Territory,

APR 27 1903

COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

There is one copy of the testimony in this case filed with  
the record in the Mississippi Choctaw case of <sup>Richmond</sup> ~~Cesar~~ Billey, et al.,  
M C R 3027.

Also one copy forwarded to Mansfield, McMurray & Cornish,  
February 26, 1904, as they request a copy of all oral testimony  
in the Mississippi Choctaw case of <sup>Richmond</sup> ~~Cesar~~ Billey, et al.

McM

Muskegee, Indian Territory, February 10, 1903.

Ellis Sam,

Frostade, Mississippi.

Dear Sir-

It appears from the records of the Commission that on December 11, 1901, you appeared before the Commission at Carthage, Mississippi, and there made application for the identification of yourself, your wife, Julia, and minor child, Fontain Sam, as Mississippi Choctaws. At that time you testified that your wife's father was named Billy Baker, and that you had never heard that he was a full blood Choctaw.

In order that the Commission may be enabled to identify your wife and child as full-blood Mississippi Choctaw Indians, it is necessary that the Commission be supplied with evidence that Billy Baker, your wife's father, was a full blood Choctaw Indian. For the purpose of obtaining this information, there are herewith enclosed two affidavits, in interrogatory form, and if you are unable to furnish all the information required in the affidavit marked "Affidavit of Applicant", you will please have some person who is conversant with the facts appear with you before a notary public, and there answer under oath the questions propounded in these affidavits.



E S 2

This information should be furnished at the earliest possible moment, as no further steps can be taken in the matter of the identification of yourself and family as Mississippi Choctaws until these affidavits are returned properly executed.

For your convenience in returning these affidavits, there is enclosed herewith an addressed envelope which requires no postage.

Yours truly,

Acting Chairman.

Register.  
Enclosure HCR-0  
Addressed envelope.

COPY

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Ellis Sam, his wife Julia Sam and his minor child Fountain Sam as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Ellis Sam, his wife and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully, *SIGNED*

*James Bixby.*

Chairman.

Registered.  
Enclosure 4380.

COPY.

Washington, Indian Territory, May 5, 1904.

Ellis Sam,

Proctorville, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife, Julia Sam, and your minor child, Fountain Sam as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*Tame Bixby.*  
Chairman.

Registered.

Enc. 4380

Department of the Interior.  
Commission to the Five Civilized Tribes.

--o--

In the matter of the application of Ellis Sam, et al.,  
for identification as Mississippi Choctaws, M C R4380.

--o--

State of Mississippi )  
                              : ss.       (Interpreter's Oath)  
County of \_\_\_\_\_)

I, \_\_\_\_\_, so solemnly swear  
that I will well and truly interpret from English into Choctaw  
the questions propounded to the applicant, Ellis Sam, and the  
witness, \_\_\_\_\_, and from Choctaw into English  
the answers given by said applicant and said witness to said  
questions.

Witnesses to Mark:

\_\_\_\_\_  
\_\_\_\_\_

(If Signature is by mark,  
there must be two wit-  
nesses thereto.)

Subscribed and sworn to before me at \_\_\_\_\_,  
Mississippi, this \_\_\_\_\_ day of \_\_\_\_\_, 1903.

\_\_\_\_\_  
Notary Public.

*Note. Ellis Sam speaks English  
sufficient to understand the  
Questions & Answers and needs  
No interpreter, and the above  
testimony was taken before C.L. Warwick  
Circuit Clerk of Leake County, Mississippi*

For Identification as a Mississippi Choctaw.

At Carthage, Miss.

Date DEC 11 1901

Name

Ellis Sam

Age

68

Blood

full

Post Office,

Frustrade, Miss.

Father: —

Sam —

d

Mother:

Jennie "

d

Claims through

both parents.

Wife

Julia Sam

(full) 45

Father Billy Baker

d

Mother Lucy

"

d

(Claims for self, wife and one minor child)

Children:

Fontain Sam

13

(See Miss. Choct. card filed

No. 53. Appearance 12/25/99.)

(Applicant doesn't know  
name of any ancestor of himself  
or wife except their parents).

Stenographer

R. D. Street

Choctaw MCR 4381

David L. Fry

See MCR 4228

MCR 4381

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. December 17, 1901.

4381

In the matter of the application for identification as Mississippi Choctaws of David Louie Fry for himself and his minor child Roberta Fisher Fry.

Applicant not represented by attorney.

David Louie Fry being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A David Louie Fry.  
Q What is your age? A Thirty-seven years old.  
Q How much Choctaw blood do you claim to be possessed of? A One-sixteenth.  
Q What is your post-office address? A Columbia, Tennessee.  
Q How long have you lived in Columbia? A I have lived there two years.  
Q Where did you live prior to that time? A In Greenville, Tennessee.  
Q How long have you lived in Tennessee? A All my life.  
Q Ever live in Mississippi? A No sir.  
Q Your father living? A No sir.  
Q What is his name? A Lewis Fry.  
Q How old would your father be if he were living now? A My father would be about sixty one years old I think, as near as I can get at it.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Nancy W.  
Q How old is your mother? A About fifty-six, I am not quite sure about that.  
Q Through which one of your parents do you claim Choctaw blood? A My mother.  
Q Where was your mother born? A In Tennessee.  
Q Does she live in Tennessee now? A Yes sir.  
Q Reside in Tennessee all her life? A Yes sir.  
Q Did she ever live in the State of Mississippi? A No sir I think not,-----I am sure she did not.  
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Melissa, M-e-l---i-s-s-a  
Q Your wife living? A Yes sir.  
Q Does she make any claim to Choctaw Indian blood? A No sir.  
Q You make any claim for her? A No sir but I make one for my kid, a little girl.  
Q When and where were you married to your wife? A In 1895 December 17th in Nashville, Tennessee.  
Q Under a marriage license? A Yes sir.  
Q By a minister or an official? A Minister.  
Q Have you a marriage license and certificate of that marriage with you? A I have the certificate but not the license.

Certificate of the marriage between D. L. Fry and Melissa

Adkisson filed and made a part of the record in this case.

- Q You have given your name as David L. Fry while this certificate shows your name spelled F-r-e-y? A F-r-y is correct. I was out of Nashville at the time and I telephoned a friend who made the mistake.
- Q Your wife's name is spelled Malissa, M-a-l---i-s-a which is correct Mr. Fry? A Well put it like the license.
- Q Have you any children for whom you desire to make application at this time? A Yes I have one.
- Q Give the name and age of that child? A Roberta Fisher Fry.
- Q How old? A She is four years old, last September the 20th.
- Q Then this application is for yourself and your minor child? A Yes sir.
- Q Is your name or the name of your child to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir I think not.
- Q Did you or did any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or did any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir, if they did I know nothing of it.
- Q They had no authority from you? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for either yourself or your minor child to the Choctaw tribal authorities or the authorities of the United States, to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory for yourself and your minor child under the provisions of the fourteenth article of the treaty between the United States and the Choctaw Indians concluded September twenty seventh, eighteen hundred and thirty? A Yes sir I don't know about the date but in is 1830 that I come in.
- Q You claim under the fourteenth article of that treaty? A Yes sir.

The treaty known as the treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw tribe of Indians on the twenty seventh day of September eighteen hundred and thirty. The Choctaws at that time occupied a portion of the State of Mississippi and a portion of the State of Alabama along the Western boundary line. The object of the treaty was to secure the removal of the Choctaws from the Country then occupied by them, the old Choctaw Nation in Mississippi and Alabama to the New Choctaw Nation west of the Mississippi River. A good many Choctaws objected to removing to this new Country and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be boundedly sectional lines of survey; in like manner shall be entitled to one half that quantity for each un-



married child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and accept benefits under the fourteenth article of the treaty and become a citizen of the States he should within six months from the ratification of the treaty; the treaty being ratified on the 24th day of February eighteen hundred and thirty one, go before the Indian Agent in the old Choctaw Nation in Mississippi or Alabama and signify to him, that is let him know in some way his intentions to remain and stay in that state and become a citizen thereof. When a Choctaw had done this, he was then entitled to a reservation of one section, six hundred and forty acres of land, bounded by sectional lines of survey and for each unmarried child living with over ten years of age he was entitled to one half section of three hundred and twenty acres and one-quarter section or one hundred and sixty acres for each child under ten years of age. The reservation of the children to adjoin the reservation of the parent and the reservation to include the improvements that the head of the family owned at the time of the conclusion of this treaty September 27th 1830. This article also required that a Choctaw who accepted lands under this article as a beneficiary should reside upon said lands for five years after which time the government would give him a title in fee simple and he could then dispose of the land at his pleasure. The last clause of this article provides; "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity;" that means that a Choctaw who appeared before the Indian Agent and signified his intention to remain and become a citizen of the State and take land and resided upon that land for five years would not lose his right to citizenship in the Choctaw Nation Indian Territory but he would forfeit any rights he might have had to any portion of the Choctaw annuity. Annuities were moneys paid the Choctaws by the United States government under treaty provisions.

- Q You think you understand that article now? A Yes sir.
- Q What is the name of your Choctaw ancestor who resided in the State of Mississippi at the time of the conclusion of this treaty? A Ann Bryant.
- Q What relation was Ann Bryant to Nancy N. Fry your mother? A She was her grandmother.
- Q Through which parent did Nancy N. Fry derive her Choctaw blood? A From her father.
- Q Nancy N. Fry's father was a son of Ann Bryant? A Yes sir Ann Bryant married a John Higdon.
- Q Then your common ancestor would be Ann Higdon? A Yes sir.
- Q And your mother gets her Choctaw blood from a son of Ann Higdon's? A Yes sir Larkin Higdon.
- Q Do you know when your grandfather was married, Larkin Higdon? A No sir I don't.
- Q Do you know whether he was married and the head of a family in the year 1830? A No sir I don't.
- Q Do you know whether he was married then? A No sir.

- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at the time this treaty was concluded September 27th 1830? A I think my great grandmother was.
- Q Is that Ann Higdon you have reference to? A Yes sir.
- Q Was she living in the old Choctaw Nation in Mississippi or Alabama at that time? A I don't know.
- Q Do you know whether any of your Choctaw ancestors resided in the old Choctaw Nation in Mississippi or Alabama at the time of the conclusion of this treaty September 27th 1830? A I not say that I know it.
- Q Have you any proof of any kind that would show whether they resided in Mississippi and were recognized Choctaw Indians at the time of the conclusion of this treaty? A No I have no proof myself. I want this claim filed with Mack Higdon, he is my uncle and I think he has some proof.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama at that time? A I don't know.
- Q Did any of your Choctaw ancestors remove from Mississippi or Alabama to the New Choctaw Nation Indian Territory between 1833 and 1838 at the time of the removal of the Choctaw Indians? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months from the 24th day of February 1831 the date this treaty was ratified by Congress signify to the Agent of the government in Mississippi their intention of remaining in Mississippi and becoming citizens of the State as provided for in the fourteenth article of this treaty? A I don't know that even.
- Q Did any of your Choctaw ancestors ever receive or claim any lands from the government of the United States under the provisions of article fourteen of the treaty? A No sir we never.

In accordance with the provisions of the fourteenth article of the treaty the government directed an agent in Mississippi to register the names of all Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify their intention of remaining and taking advantage of the provisions of this article fourteen and on this account in many instances the land upon which the Indians had improvements and which they desired to reserve was sold by the government at the public land sales and the Choctaws were deprived of their land. This action of the government caused many complaints by the Choctaws and these complaints finally reached Congress and Congress appointed Commission to go to Mississippi and investigate these claims. These Commissions went to Mississippi and investigated a number of claims. Of the claims allowed by the Commissions if the lands had not been sold at these public land sales by the government the Indians were put into possession of them; if the lands had been sold the Indians were given scrip under which they could locate on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish any claim to lands under the fourteenth article of the treaty of 1830? A Not that I know anything of.
- Q Did they own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know.

- Q Did any of your Choctaw ancestors receive any scrip from any of these Commissions in lieu of land that they might have lost? A Not that I know anything about.
- Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A Were they ever recognized?
- Q Yes? A Why my greatgrandmother was I think.
- Q What proof have you that she was a recognized member of the Choctaw tribe of Indians? A I have none now.
- Q Then you know nothing about your Indian ancestry and blood except from family history? A Yes that is all.
- Q You gained that from your mother? A Yes sir.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians? A No sir I don't know.
- Q Have you any witnesses you want to introduce to-day to testify in support of your application? A No sir.
- Q Have you any documentary evidence, any papers of any kind that you want to introduce in support of your application? A No sir not to-day.
- Q Do you know of the existence of any documentary evidence, such as deeds or patents that would tend to show that your ancestors did live in Mississippi in 1830 and received land under article fourteen? A No sir I don't know of any.
- Q Do you know of the existence of any evidence whatsoever that would tend to show that your ancestors were recognized members of the Choctaw tribe of Indians and that they resided in Mississippi at that time and received land as beneficiaries under the fourteenth article of that treaty? A I can't say that I do.
- Q Have you any relatives who have appeared before the Commission for identification as Mississippi Choctaws? A Yes sir.
- Q Can you give me the names of these relatives? A Why my mother Nancy Ann Caladona Fry, W. W. Fry he is my brother, H. C. Fry another brother of mine and I think J. F. Fry my brother, he came with them but I am not sure whether he filed his claim or not.

Reference is here made to,

M.C.R. 4228 Nancy A. C. Fry.  
M.C.R. 4243 William W. Fry,  
M.C.R. 4244 Henry C. Fry,  
M. CR. 4245 James F. Fry,  
M.C.R. 4227 Alice E. Tidwell et al.

- Q These persons who you have named are what relation to you? A My mother, brothers and sisters.
- Q Do you desire the proof submitted in their cases to be considered as proof in your case? A Yes sir; all go together.
- Q You derive your Choctaw blood from the same source that they do? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir I do not.
- Q Any further statement you desire to make? A No sir none that I know of.

This applicant has dark brown hair, brown eyes and fair complexion, features and general appearance of a person descended from white parentage, does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

W. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 17th 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of December 1901.

*W. Rosenwinkel*

Subscribed and sworn to before me this 21<sup>st</sup> day of December 1901.

*[Signature]*

Commissioner.

COPY.

M C R 4381

Muskegee, Indian Territory, July 14, 1902.

David Louis Fry,

Columbia, Tennessee.

Dear Sir:

You are hereby advised that on the 14th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy A. C. Fry, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |            |
|---------------------------------|------------|
| Nancy A. C. Fry, et al.,        | M C R 4228 |
| Henry C. Fry, et al.,           | " 4244     |
| David Louis Fry, et al.,        | " 4381     |
| Alice H. Tidwell, et al.,       | " 4227     |
| William W. Fry,                 | " 4243     |
| James F. Fry,                   | " 4245     |
| Martha H. Cole, et al.,         | " 4128     |
| Boulah L. Francis, et al.,      | " 4129     |
| John Brantley Cole,             | " 4040     |
| Dave Higdon, et al.,            | " 4039     |
| James Mack Higdon, et al.,      | " 3845     |
| Ben Reynolds,                   | " 4246     |
| James Buckner Reynolds, et al., | " 4564     |
| William D. Reynolds, et al.,    | " 4563     |
| George Reynolds,                | " 4766     |
| Alice H. Wagstaff, et al.,      | " 4230     |
| Allie Mai Wagstaff, et al.,     | " 4231     |
| William A. Higdon, et al.,      | " 4672     |
| Kate H. Shields, et al.,        | " 4229     |
| Misabeth H. McKennon, et al.,   | " 4224     |
| Helen D. Higdon,                | " 4242     |
| Anna B. Holts, et al.,          | " 4226     |

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

D L F #2

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy A. C. Fry, Sallie M. Fry, Henry C. Fry, Bessie Fry, Minnie Edna Fry, Robert Mitchell Fry, David Louie Fry, Roberta Fisher Fry, Alice E. Tidwell, Tyres A. Tidwell, Elsie G. Tidwell, Rubie A. Tidwell, James W. Tidwell, Lucy Tidwell, William W. Fry, James F. Fry, Martha H. Cole, Henry Walter Cole, Edwin E. Cole, Beulah L. Francis, Myrtle B. Francis, Forest F. Francis, Bertha M. Francis, James Roy Francis, Thomas R. Francis, Henry W. Francis, John Brantley Cole, Dave Higdon, Ada May Higdon, John Maxey Higdon, Julius D. Higdon, James Mack Higdon, Ruby Cecil Higdon, Elizabeth Pearl Higdon, Florence May Higdon, Effie Lee Higdon, John Wayne Higdon, Lena Higdon, Ben Reynolds, James Buckner Reynolds, Gill Reynolds, Albert Reynolds, Nellie Reynolds, Hubbard Reynolds, Johnnie Reynolds, Thomas Reynolds, Clarence Reynolds, William D. Reynolds, Millie May Reynolds, George Reynolds, Alice E. Wagstaff, Clyde H. Wagstaff, Annie C. Wagstaff, Allie Mai Wagstaff, Ella Lee Wagstaff, William A. Higdon, Helen B. Higdon, John W. Higdon, Kate H. Shields, Elsie Shields, Ada Shields, Albert Shields, Ruth Shields, Robert Shields, James Shields, Elizabeth H. McKennon, Katherine E. McKennon, Emma D. McKennon, Helen D. Higdon, Emma B. Holts and Mergan H. Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

D L 7 #3

interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

UNED

Registered.

Acting Chairman.

COPY.

M.C.R. 4381

Muskogee, Indian Territory, October 16, 1902.

David L. Fry,

Columbia, Tennessee.

Dear Sir:

You are hereby advised that on the 4th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy A. C. Fry, et al., of which decision you were advised by registered mail on the 14th day of July, 1902.

Respectfully,

(SIGNED)

*Wm. C. Fry*  
Acting Chairman.



## For Identification as a Mississippi Choctaw.

Date DEC 17 1901

Name David L Fry

Age 37 Blood 1/16

Post Office, Columbia Tenn

Father: Lewis Fry Dead

Mother: Nancy N. Fry ✓

Claims through mother

wife Melissa Fry ✓  
No claim for wife

Claims for self &amp; minor child

Children:

Roberta Fisher Fry 4

Stenographer G. W. Winkler

Choctaw MCR 4382

Sam Hoskins

See MCR 4391, 4507, 4429, 4472

MCR 4382

**DEPARTMENT OF THE INTERIOR**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES**

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In the matter of the application of Sam (or Samuel) Hoskins, et al., for identification as Mississippi Choctaws, consolidating the applications of-

|                                  |        |      |
|----------------------------------|--------|------|
| Sam (or Samuel) Hoskins, et al., | M.C.R. | 4382 |
| Josie Kidd,                      | "      | 4391 |
| Barney Hoskins,                  | "      | 4507 |
| Ed Hoskins,                      | "      | 4429 |
| Addie Gray,                      | "      | 4472 |

List of papers forwarded to the Secretary of the Interior, comprising the record in the consolidated case of Sam (or Samuel) Hoskins, et al.

|  | (Page) |
|--|--------|
| Original application of Sam (or Samuel) Hoskins, et al. before the Dawes Commission for identification as Mississippi Choctaws ..... | 1      |
| Affidavit of Jack Hoskins.....   | 12     |
| Affidavit of Mary Peebles .....  | 13     |
| Affidavit of Mahala Hoskins.....   | 14     |
| Original application of Josie Kidd before the Dawes Commission for identification as a Mississippi Choctaw .....                     | 15     |
| Original application of Barney Hoskins before the Dawes Commission for identification as a Mississippi Choctaw.....                  | 21     |
| Original application of Ed Hoskins before the Dawes Commission for identification as a Mississippi Choctaw .....                     | 27     |

(Page)

Original application of Addie Gray before the Dawes  
Commission for identification as a Mississippi Choctaw.....34

Decision of the Commission denying the consolidated ap-  
plication of Sam (or Samuel) Hoskins, et al., for identi-  
fication as Mississippi Choctaws .....40

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., December 17, 1901.

4382.

In the matter of the application of Sam Hoskins for the identification of himself, his wife, Adaline, and his four minor children, Tressie, Lacy, Lillie and Nora Hoskins, as Mississippi Choctaws.

---Not represented by attorney---

Sam Hoskins, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Sam Hoskins.  
Q How old are you? A I will be fifty five years old this coming Christmas.  
Q How much Choctaw blood do you claim to have? A I claim about half.  
Q What is your post office address? A Here at Muskogee.  
Q How long have you lived in Muskogee? A Twenty years.  
Q Where did you live before you lived here in Muskogee? A In Mississippi.  
Q Were you born in Mississippi? A Yes sir.  
Q What part of Mississippi were you born in? A Chickasaw county, Mississippi.  
Q Have you lived anywhere else except Mississippi and the Indian Territory? A No sir.  
Q Is your father living? A No sir.  
Q What was his name? A William Hoskins.  
Q How old would your father be if he were living now? A I don't know sir, he was pretty old when he died.  
Q When did he die? A He has been dead about twenty three years.  
Q How old do you think he was when he died? A I suppose about seventy or seventy five.  
Q He would be about ninety some odd years old if living at the present time? A Yes sir, he was so old he could hardly get around when he died.  
Q Is your mother living? A No sir.  
Q How old would she be if she were living? A She died in 1860  
Q About how old was she when she died? A I suppose she was about twenty five.  
Q She would be about sixty five years old if living now? A Yes sir?  
Q What was your mother's name? A Martha.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood did your mother have? A My grandma she was a full blood.  
Q Have I not asked you about your mother? A I suppose she was about three quarters as near as I can come at it.  
Q Where was your mother born? A I disremember whether she was born in Mississippi or Georgia.  
Q Can you say with any positiveness where she was born, if in

Sam Hoskins-----2

Mississippi or Georgia? A No sir, I couldn't state exactly.

Q Did your mother ever live in Mississippi? A Yes sir.

Q Where did she die? A She died in Mississippi, died in Choctaw county.

Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A I don't know sir.

Q Did your mother ever live in Indian Territory? A No sir.

Q Then she was never enrolled as a member of the Choctaw tribe of Indians in Indian Territory? A Not as I know of.

Q How could she be enrolled if she never lived here? A I say not as I know of; I never heard her say. I was quite young and I never paid much attention to it.

Q Are you married? A Yes sir.

Q What is the name of your wife? A Adaline.

Q Does she claim any Choctaw Indian blood? A Yes sir, she is one quarter.

Q Do you want to make claim for your wife? A I guess so, just as well.

Q You say she claims one quarter Choctaw blood? A Yes sir.

Q How old is your wife? A She is about forty five.

Q What is the name of your wife's father? A Joseph McCristian.

Q Is he living? A No sir.

Q How old would he be if living? A When he died two years ago he was ninety two years old.

Q What is the name of your wife's mother? A Ellen McCristian.

Q Is she living? A No sir.

Q How old would she be if living? A She was eighty five when she died; she has been dead two years.

Q Through which parent does your wife claim her Choctaw blood? A Her mother---Her mother was a half breed.

Q Was your wife's mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A Not as I know of, I couldn't tell you. I have never heard her say. I never had no conversation about that and never heard her say, only she claimed one half Choctaw.

Q Where was your wife born? A In Mississippi.

Q Did she ever live in any other place than Mississippi and the Indian Territory? A No sir.

Q Where was your wife's mother born? A She was born in Georgia.

Q Did she move from Georgia to Mississippi? A Yes sir.

Q Did she die in Mississippi? A Yes sir.

Q Did your wife's father possess any Indian blood? A No sir.

Q What race was your wife's father? A I don't know sir, he did not claim he had any Indian about him.

Q What blood was he? A African I reckon.

Q You have testified that your mother was about three quarters? A Yes sir.

Q What other blood did she have? A The other quarter was part Cherokee. My grandfather was half breed Cherokee.

Q Then she was three quarters Choctaw and one quarter Cherokee, was she? A Yes sir.

Q Have you ever made application to be admitted or enrolled as a member of the Cherokee Tribe of Indians? A No sir, never has.

Q Where were you and your wife married? A In Mississippi.

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- Q Were you married under a license? A Yes sir.  
Q And by a minister? A Yes sir.  
Q Have you any children living who are under the age of twenty one and unmarried whom you desire to make application for at this time? A Yes sir.  
Q Give their names and ages? A Joseph.  
Q His age? A Thirty one years old.

He will have to make application for himself.

- Q Have you any children under twenty one? A Yes sir.  
Q Give the names and ages of your children who are under twenty one years of age and unmarried? A Tressie.  
Q How old is she? A Nine years old.  
Q What is the name of the next? A Lacy.  
Q How old is Lacy? A He is about seven years old.  
Q Is that a boy? A Yes sir.  
Q Any others? A Yes sir, I have got two more--Lillie.  
Q How old? A Four, no, five years old.  
Q And the other one? A Three years old; Nora.  
Q Is that all the children you have under twenty one years of age and unmarried? A Yes sir.  
Q This application then is for yourself, your wife and four minor children? A Yes sir, if I can't take in the others. I have a daughter yet who is eighteen years old.  
Q Is she married? A Yes sir.

She will have to make application for herself.

- Q Are these children your children and the children of Adaline Hoskins? A Yes sir.  
Q These children are all living with you, are they? A Yes sir.  
Q Is your name or your wife's name or the name of any of these children to be found upon any of the tribal rolls of the Choctaw Nation, in Indian Territory? A No sir, not as I know of.  
Q Did you or any one for you or for your wife or for any of your minor children ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A Not as I know of.  
Q Did you ever make application of that kind? A No sir.  
Q Then, don't you know whether you have made application? A This is the first time.  
Q This is not the Choctaw tribal authorities--I asked you if you ever made application to the Choctaw tribal authorities? A Only down there to McAlester, six or seven years ago.  
Q Whom did you make application to at McAlester? A I went and saw him.  
Q Mr McAlester? A Yes sir.  
Q Did you make application to the Choctaw Council to be admitted as a member of the Choctaw tribe of Indians? A Yes sir.  
Q What did they tell you? A They told me I would have to come again and go to the Dawes Commission.

Sam Hoskins-----4.

Q They rejected your application, did they? A No sir, the said I would have to go again.

Q What kind of an application was it---Did a lawyer take any papers from you? A Only Judge McAlester.

Q What year was this? A I think it was about six or seven years ago.

Q Did Judge McAlester ever say what was done with your application that was made through him? A No sir.

Q Did you ever find out? A No sir, he said he would see about it.

Q Do you know whether or not this application ever went before the Choctaw Council or not? A No sir, I don't know.

The records of the Commission examined, and the name of this applicant does not appear thereon as having made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the Commission to the Five Civilized Tribes.

Q Did you make application in 1896 for yourself and your wife or any of your minor children to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I don't think I did, not since six or seven years ago.

Q Did you ever make application to the Commission before this time? A No sir.

Q This is the first time you have ever been before this Commission? A Yes sir.

Q Then you have never made application prior to this time for yourself, or your wife or any of your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A Only one that I went to Judge McAlester.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and minor children under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded in Mississippi on the 27th day of September, 1830? A Yes sir.

This treaty was entered into on the 27th day of September 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the old Choctaw Nation in Mississippi and Alabama to the new country west of the Mississippi river. Some of the Choctaws did not want to move out to this country and for the benefit of that class of Indians, article fourteen was made a part of the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a re-



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reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.\* This article required that in case a Choctaw desired to remain in Mississippi and receive land from the government under the provisions of this article, he should within six months after the treaty was ratified---the treaty was ratified on the 24th day of February, 1831---go before the government agent in Mississippi and tell him he wanted to stay in the state and take land under the provisions of this fourteenth article. When he had done this, he was entitled to a reservation of a section of land or six hundred and forty acres, and for each child in his family over ten years of age, he was entitled to one half that quantity or three hundred and twenty acres, and for each child under ten years of age he was entitled to a quarter section or one hundred and sixty acres; the reservations of the children to adjoin the location of the parent, and the reservations to include the improvements of the head of the family on the date the treaty was made---September 27, 1830. Under the provisions of this article, the Choctaw was required to reside on that land for five years after which time the government would give him a title in fee simple, after which he could dispose of the land at his pleasure. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that the Choctaws who remain in Mississippi and complied with the provisions of this article by signifying their intention to the agent of staying there and accepting land under this fourteenth article, did not forfeit their right of citizenship in the Choctaw Nation, Indian Territory, but they did forfeit any right which they might have to claim any portion of the Choctaw annuities--annuities were monies paid out to the Choctaw tribe of Indians under treaties between the Choctaw tribe of Indians and the United States government.

Q Do you understand that article as explained to you? A I don't exactly understand it.

Q What portion of it do you want further explanation on? A I never has got any land over there. I always preferred for mine over here.

Q What was the name of your Choctaw ancestor who resided in the state of Mississippi at the time this treaty was made? A Do you mean the chief?

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- Q No, your ancestor, one of your foreparents---You say you get your Choctaw blood through your mother? A Yes sir.
- Q Whom did she get her Choctaw blood from? A Her mother.
- Q What was your grandmother's name? A Sarah Williams.
- Q Did she live in Mississippi at the time this treaty was made? A Yes sir.
- Q Was she married and the head of a family there at that time? A I think so, yes sir.
- Q Did Sarah Williams within six months from the 24th day of February, 1831, go before the government agent in Mississippi and tell him she wanted to stay in Mississippi and take land there under this fourteenth article? A Not as I know of, because I was quite young and didn't know it.
- Q What was the name of your wife's ancestor who lived in Mississippi at the time this treaty was made? A Campbell.
- Q Was that his given name or surname? A Campbell Leflore.
- Q Did your wife's Choctaw ancestor go before the government agent in Mississippi within six months from the 24th day of February 1831 and tell the government agent that he wanted to stay in Mississippi, take land under this fourteenth article? A I couldn't tell you.
- Q You don't know? A No sir.
- Q Were your Choctaw ancestors or your wife's Choctaw ancestors recognized members of the Choctaw tribe of Indians at the time this treaty was concluded? A Yes sir, we were living there with them at that time.
- Q How were they recognized as members of the Choctaw tribe? A They were all recognized just the same as the family.
- Q I am talking about your ancestors who lived in Mississippi in 1830? A I don't understand what you are talking about.
- Q I have asked you if your wife's Choctaw ancestors or your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A Yes sir.
- Q What proof have you got that they were recognized members of the Choctaw tribe of Indians in 1830? A I have got the proof right here that they was always recognized as Choctaw citizens of Mississippi.
- Q You mean you have some affidavits? A Yes sir.
- Q Are those people old enough to testify about facts that existed in 1830? A Yes sir, I think so, from seventy five to eighty five or sixty five years old.

Applicant here submitted affidavit of Jack Hoskins.

- Q This affidavit sets up that the affiant Jack Hoskins is a brother of your mother, Martha? A Yes sir.
- Q And that his mother was a full blood Choctaw Indian? A Yes sir.
- Q He does not testify though that your Choctaw ancestors--or that your mother was recognized as a member of the Choctaw tribe of Indians; --and that is the question that I have asked you? A Well, as far as saying I know, I couldn't say that, because I don't know it.

Applicant also submits the affidavits of Mahala Hopkins and Mary Peebles, in which affidavits it is stated that Sam Hos-

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kins' mother was a Choctaw Indian.

Q Jack Hoskins, one the parties whose name is signed to one of these affidavits, is an uncle of yours? A Yes sir.

Q Who is Mahala Hoskins? A My father used to own her.

Q She used to be a slave of your father? A Yes sir

Q Who is Mary Peebles? A She is a neighbor who lived right there within a half mile of us.

Q Has Jack Hoskins ever been before the Commission to apply for identification as a Mississippi Choctaw? A He said he has not.

Q Then, you do not know of your own knowledge whether any of your Choctaw ancestors were ever recognized as members of the Choctaw tribe of Indians? A He sir.

Q Do you know whether any of your ancestors or your wife's ancestors ever complied with or attempted to comply with the provisions of this fourteenth article? A No sir.

Q Did any of your ancestors or your wife's ancestors own any improvements in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A The only way they owned improvements they bought it.

Q The only improvements they owned was land that was bought and paid for by them? A That is all, yes sir.

Q Did any of your Choctaw ancestors or the ancestors of your wife move from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory at the time of the removal of the Indians from Mississippi to this territory? A No, sir, only my father, he came out here in 1866.

Q You don't know whether any of your ancestors moved out here with the emigration of the Choctaws between the years 1833 and 1838, do you? A No sir, not that I know of.

Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors ever claim or receive any land from the government of the United States under the provisions of the fourteenth article of the treaty of 1830? A No sir, I couldn't tell you.

In accordance with the provisions of this fourteenth article, the government directed an agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi and become citizens of the states and who wanted to accept land under the provisions of this article. The records of the government show that this agent failed to register the names of a great many Choctaws who really did signify to him their intention of remaining in the old Choctaw Nation and taking land under the provisions of this article fourteen, and in many instances the land upon which Indians lived and which they desired reserved for them, was sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws and the complaints finally reached Congress, and Congress under various acts appointed Commissions to go to Mississippi and investigate these claims. These Commissions investigated a number of claims, some of which were allowed and some of which were rejected. Of the claimants allowed, after approval by the Secretary of War and the President, if the land had not been sold by the government the Indian was put in possession of the land. If, however, the lands had been sold, and the Indians had proven their claims, they were given scrip. Under this scrip they could

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locate on vacant government land in Mississippi, Alabama, Louisiana or Arkansas.

Q Did any of your Choctaw ancestors or the ancestors of your wife ever go before either of these Commissions and attempt to establish any claim for land which they might have had under the provisions of this fourteenth article? A Not as I know of.

Q Did any of your Choctaw ancestors own any land in the states of Mississippi, Alabama, Louisiana or Arkansas? A Only lands they owned that I know of they bought and paid for them.

Q Do you know whether any of your ancestors or your wife's ancestors ever received any scrip from any of these Commissions for claims that were approved? A No sir.

Q The only lands that your ancestors or your wife's ancestors owned that you know of they bought and paid for? A Yes sir.

Q Then so far as you know did any of your ancestors or your wife's ancestors ever receive any benefits whatever as Choctaw Indians? A I remember I think I heard my wife's mother say once that she had received some money once from the Choctaws.

Q Where did she receive that money? A In Montgomery county, Mississippi; it was sent to her by mail.

Q For what purpose was that money sent to her? A I couldn't say only she said she got some money once from the Choctaws.

Q As I have explained to you the benefits accruing to the Choctaw Indians who remained in Mississippi was in the shape of land ---those were the benefits they were entitled to under this fourteenth article? A I don't remember of them getting any land.

Q Do you know of the existence of any documentary evidence, such as deeds to land or patents conveying title to land, or any written papers of any kind, which would show or tend to show that either your Choctaw ancestors or your wife's Choctaw ancestors ever complied with the provisions of this fourteenth article of this treaty? A No sir, I don't think so. If any land had ever been deeded, they bought and paid for it and got a deed.

Q Do you know of any witnesses who can come before this Commission and testify that your ancestors or your wife's ancestors went before the government agent in Mississippi and signified to him their intention of staying in Mississippi, also telling him they wanted to take land and become citizens of the states? A All the old people in them days are all dead, only those old ones.

Q Do these parties who made these affidavits know---Can they come before the Commission and testify that they knew that they did receive land as Choctaw Indians? A No sir.

Q Then, you don't you of any living witnesses who can come here and testify to that effect? A No sir.

Q Have you any witnesses that you want to bring before the Commission today to testify in support of your application? A No sir.

Q You have testified that you are possessed of one half Choctaw blood--what is the other half? A The other half is part Cherokee and Mexican; my father was part Cherokee and Mexican.

Q You have testified that your mother was three quarters Choctaw and one quarter Cherokee, of what race was your father? A He claimed Cherokee.

Q Was he a full blood Cherokee? A No sir.

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- Q How much Cherokee blood did he have? A One half.
- Q What was the other half? A Mexican.
- Q If your mother had three quarters Choctaw, how could you have one half Choctaw and derive no Choctaw blood from your father?
- A That is all that I can go by.
- Q Wouldn't you have about half of the Choctaw blood that she had? A I don't know sir only what I have always been told by her and by my grandmother.
- Q If your mother had three quarters Choctaw, wouldn't you have about half of what she had? A Yes sir, I suppose so.
- Q That would make you about three eighths, wouldn't it? A Yes sir, somewhere along about there.
- Q Then you think you are possessed of about three eighths Choctaw blood? A Yes sir.
- Q What relation is Campbell LeFlore, whom you have testified is you wife's Choctaw ancestor, to your wife? A I don't know sir.
- Q How can you claim him as a Choctaw ancestor for your wife, if you do not know the relationship? A I don't know sir.
- Q Where did your wife's mother get her Choctaw blood? A From her mother.
- Q What was her name? A Elsie Campbell.
- Q Elsie Campbell or Elsie LeFlore? A Elsie Campbell--or LeFlore--some connection or breed of the LeFlore family.
- Q Do you know anything about your wife's Choctaw ancestors beyond her mother? A No sir.
- Q How much Choctaw blood did your wife's mother claim to have?
- A She said she was three quarters.
- Q Whom did she get that three quarters Choctaw blood from? A Her mother's side.
- Q What was the other one quarter blood that your wife's mother was possessed of? A I think it was part colored.
- Q Were any of your wife's family ever slaves? A Not as I know of,--yes, my wife's mother's husband was a colored man.
- Q Was he a slave? A Yes sir, he was a slave.
- Q Was your wife's mother a slave? A No sir, she was not a slave.
- Q Were any of your family slaves? A No sir.
- Q You have testified that your wife's grandmother was named Elsie Campbell? A Yes sir.
- Q And you have also testified that your wife is descended from Campbell LeFlore; what relation was Elsie Campbell to Campbell LeFlore? A I don't know.
- Q Then you cannot testify that your wife's mother is descended from Campbell LeFlore, because you don't know it. A I don't know it.
- Q Were you and your wife legally married? A Yes sir.
- Q Where and when were you married? A Thirty two years ago the 6th of last September.
- Q Where? A In Mississippi.
- Q Married under license? A Yes sir.
- Q Was your wife ever a slave? A No sir, she never was a slave.
- Q Have you got your marriage license and certificate with you?
- A My marriage license---The Court house burned up.

The Commission will require legal evidence of the marriage between yourself and your wife in support of the application for your children. The Commission will accept affidavits of persons who were present at the marriage to show that you and your wife were legally married.

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Q Is there any other statement you desire to make in support of your application at this time? A Not as I know of.

Q Have you any relatives who have been before this Commission to apply for identification as Mississippi Choctaws? A There are some over in Mississippi there who have tried to get before the Commission.

Q Can you give the names of those that have appeared? A I couldn't give their names, because I don't know whether they have appeared.

Q Do you know whether any of them ever appeared before the Commission or not? A No sir, some have been waiting trying to get to see them.

Q Were they brothers and sisters of yours? A No sir, they are all dead.

Q Did they leave families? A Yes sir but I don't know where their children are.

Q What are their names? A Jesse Hoskins is the oldest boy, that is the only one I know.

Q How old is he? A Eighteen.

Q Is that the only one you know? A Yes sir.

Q How many children have you ever twenty one and married? A Four

Q Give their names and ages? A Joseph Kidd.

Q How old? A She is thirty one years old.

Q Is she married? A Yes sir.

Q Has she any children? A No sir.

Q The next one? A Barney Hoskins.

Q Is he married? A Yes sir.

Q Has he any children? A No sir.

Q Is his wife a Choctaw? A I don't know what she is.

Q The others' names? A Ed Hoskins, he has not got any family.

Q And the next? A Addie Gray.

Q Has she any children? A No sir.

Q None of your children have ever been before the Commission?

A No sir.

Q Do you speak or understand the Choctaw language? A A little, I was principally raised among the white people.

Q How did you acquire that little knowledge you have of the Choctaw language? A From what little I learnt before I got big enough to stay with the white people.

Q Did you live with the Choctaw Indians before you got big enough to stay with the white people? A Yes sir.

Q Where? A In Mississippi.

This applicant has black hair, dark brown eyes, dark complexion; has the features of a person who might possibly have a small strain of Indian blood. He claims to have a limited knowledge of the Choctaw language, having acquired such knowledge by residence with the Choctaws in Mississippi while young. He has no knowledge of a compliance on the part of any of his ancestors or the ancestors of his wife for whom he makes application with any of the provisions of article fourteen of the treaty of 1830.

H.B. Risteen, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes,



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he reported in full all proceedings had in the above entitled cause on the 17th day of December, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H. C. Risteen*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 19th day of December, 1901.

*[Signature]*

Commissioner.

*E.W.*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sam Hoskins, et al., for identification as Mississippi Choctaws, consolidating the applications of:

|                      |             |
|----------------------|-------------|
| Sam Hoskins, et al., | M.C.R. 4388 |
| Jessie Kidd,         | M.C.R. 4391 |
| Barney Hoskins,      | M.C.R. 4397 |
| Ed Hoskins,          | M.C.R. 4429 |
| Addie Gray,          | M.C.R. 4472 |

--- D E C I S I O N ---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Sam Hoskins for himself, his wife, Adaline Hoskins, and his four minor children, Tressie, Lacy, Lillie and Nora Hoskins; by Jessie Kidd for herself; by Barney Hoskins for himself; by Ed Hoskins for himself and by Addie Gray for herself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."



It also appears that the principal applicant, Sam Hoskins, claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of one Sarah Williams, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty. It further appears that the applicant, Adaline Hoskins, claims said rights by reason of being a descendant of Elsie Campbell (or Leflore), who is alleged to have been a Choctaw Indian (degree of blood not stated). All of the other applicants herein claim said rights by reason of being descendants of the above named ancestors. The name of Campbell Leflore appears in the testimony as being that of the ancestor of Adaline Hoskins who lived in Mississippi in eighteen hundred and thirty, but it is not shown what relationship existed between the said applicant and Campbell Leflore, neither is it shown that he was possessed of Choctaw blood.


It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 821).


It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted

to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that either the said Sarah Williams or Elsie Campbell (or Leflore) or Campbell Leflore, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Hoskins, Adaline Hoskins, Tressie Hoskins, Lucy Hoskins, Lillie Hoskins, Nora Hoskins, Josie Kidd, Barney Hoskins, Ed Hoskins and Addie Gray as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
\_\_\_\_\_  
Acting Chairman.

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory, October 14, 1902.

Sam Hoskins,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sam Hoskins, et al., embracing the following applications for identification as Mississippi Choctaws:

|                      |             |
|----------------------|-------------|
| Sam Hoskins, et al., | M.C.R. 4382 |
| Josie Kidd,          | M.C.R. 4391 |
| Barney Hoskins,      | M.C.R. 4507 |
| Ed Hoskins,          | M.C.R. 4429 |
| Addie Gray,          | M.C.R. 4472 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Hoskins, Adaline Hoskins, Tressie Hoskins, Lacy Hoskins, Lillie Hoskins, Nera Hoskins, Josie Kidd, Barney Hoskins, Ed Hoskins and Addie Gray as Choctaw Indians entitled to rights

S.H.---2

in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

2143  
Commissioner in Charge.

Registered.

COPY.

M.C.R. 4382

Muskogee, Indian Territory, October 14, 1902.

A.V. Jones,  
Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sam Hoskins, et al., embracing the following applications for identification as Mississippi Choctaws:

|                      |             |
|----------------------|-------------|
| Sam Hoskins, et al., | M.C.R. 4382 |
| Jessie Kidd,         | M.C.R. 4391 |
| Barney Hoskins,      | M.C.R. 4607 |
| Ed Hoskins,          | M.C.R. 4429 |
| Addie Gray,          | M.C.R. 4472 |

These applications were made under the provision of the act of Congress of June 28, 1902, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Hoskins, Adeline Hoskins, Tressie Hoskins, Lucy Hoskins, Lillie Hoskins, Nora Hoskins, Jessie Kidd, Barney Hoskins, Ed

Hookins and Addie Gray as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Commissioner in Charge,

Registered.

Muskogee, Indian Territory, October 14, 1902.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sam Hoskins, et al., embracing the following applications for identification as Mississippi Choctaws:

Sam Hoskins, et al.,  
Josie Kidd,  
Barney Hoskins,  
Ed Hoskins,  
Addie Gray,

M.C.R. 4382  
M.C.R. 4391  
M.C.R. 4507  
M.C.R. 4429  
M.C.R. 4472

These applications were made under the provision of the act of Congress of June 28, 1896, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Hoskins, Adaline Hoskins, Tressie Hoskins, Lacy Hoskins,

M.M. & C.---2

Lillie Hoskins, Nora Hoskins, Josie Kidd, Barney Hoskins, Ed Hoskins and Addie Gray as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.



COPY.

M.C.R. 4382.

Muskogee, Indian Territory, October 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Sam Hoskins, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

|                      |              |
|----------------------|--------------|
| Sam Hoskins, et al., | M.C.R. 4382  |
| Josie Kidd,          | M.C.R. 4391  |
| Barney Hoskins,      | M.C.R. 4507  |
| Ed Hoskins,          | M.C.R. 4429  |
| Addie Gray,          | M.C.R. 4472. |

The Commission has the honor to report that the principal applicants in the several separate applications, their agent and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
1 enclosure, M C R 4382.

  
Acting Chairman.

--:-- COPY --:--

Land,

65,292-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Nov. 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Sam Hoskins, et al., for identification as Mississippi Choctaws, wherein the following applications are consolidated:

Sam Hoskins, et al.

Josie Kidd.

Barney Hoskins.

Ed Hoskins.

Addie Gray.

A decision adverse to the applicants was rendered by the commission on October 14, 1902.

The evidence in this case shows that the parties trace their Choctaw descent through both father and mother. The husband traces his ancestry through Sarah Williams and the wife traces her ancestry through Campbell Leflore through Elise Leflore, his daugh-

ter and Ellen McChristian his grand daughter. The records of this office have been examined with reference to the names of Sarah Williams, Martha Williams, Martha Hoskins, Campbell Leflore, Elsie Leflore and Ellen McChristian.

Campbell Leflore was a member of the Choctaw tribe of Indians in 1830 but he was not an applicant and beneficiary under the 14th article of the Choctaw treaty of 1830. The names of the other persons mentioned do not appear among the names of those Indians residing in Mississippi who complied or attempted to comply with the provisions of article 14. This leads me to conclude that the decision of the Commission rejecting these parties was correct.

I therefore recommend that a judgment of rejection be entered against the following persons for identification as Mississippi Choctaws in this case:

Sam Hoskins and his wife, Adaline Hoskins, and their four minor children, Tressie, Lacy, Lillie and Nora Hoskins; Josie Kidd, Parney Hoskins, Ed Hoskins, and Addie Gray.

Very respectfully,

Your obedient servant ,

W. A. Jones,

Commissioner.

(E.B.H.)

P.

-:- COPY -:-

I.T.D. 7192-1902.

J.W.H.

File 896-18981

FHE

DEPARTMENT OF THE INTERIOR.

L.R.S.

Washington,

November 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 15, 1902, you transmitted the record in the consolidated case embracing the applications of Sam Hoskins, (M.C.R. 4382), for himself, his wife, Adaline Hoskins, and his four minor children, Tressie, Lacy, Lillie and Nora Hoskins; of Josie Kidd for herself; of Barney Hoskins for himself; of Ed Hoskins for himself and of Addie Gray for herself, for identification as Mississippi Choctaws, including your decision of October 14, 1902, which was adverse to the applicants.

It appears from the record that Sam Hoskins made application for himself and his wife, Adaline, both of whom claim to be possessed of Choctaw blood. The other applicants are their children. It seems that Sam Hoskins was born in Chickasaw County, Mississippi, and removed to the Indian Territory in 1881.

His father, William Hoskins, who was born in 1810, was

was of mixed Cherokee and Mexican blood. His mother, Martha Hoskins, was born in 1835, either in Mississippi or Georgia.

It is claimed that she was a 3/4 blood Choctaw and 1/4 blood Cherokee, and that she died in Choctaw county, Mississippi.

Her mother was Sarah Williams, a full blood Choctaw woman, who was apparently married and the head of a family in 1830 in Mississippi.

Adaline, the wife of Sam Hoskins, was born in Mississippi. She traces her Choctaw descent through her mother, Ellen McChristian who was born in Georgia in 1840, and who died in Mississippi, to her grandmother, Elsie Campbell, or Elsie Leflore. It is claimed that the latter was a relative of Campbell Leflore.

Claiming identification as Mississippi Choctaws, it was incumbent upon the applicants to show that some one of their alleged ancestors, in person or by proxy, complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or the acts of March 3, 1837, (5 Stat., 180), and August 23, 1842 (5 Stat., 513, relating thereto. The testimony as furnished by the record fails to show this, and as the records in your possession and those at the Indian Office, fail to add anything in support of their claim, it must be held that your action in refusing to identify them, was correct.

-:- 2 -:-

Reporting in the matter November 15, 1902, the Commissioner of Indian Affairs recommends that your action be approved. The Department concurs therein and your decision is accordingly affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

M.O.R. 4382

Muskogee, Indian Territory, December 9, 1902.

Mansfield, Motturray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sam Hoskins, et al., of which decision you were advised by mail on the 14th day of October, 1902.

Respectfully,

(SIGNED),

*James D. ...*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 9, 1902.

A. W. Jones,

Agent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sam Hoskins, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

  
George W. Davis,  
Acting Chairman.



COPY.

Muskogee, Indian Territory, December 9, 1902.

Sam Hoskins,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sam Hoskins, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Acting Chairman.

Consolidated Case  
of

Sam Hoskins et al.

W. O. M. C. 4382

Sarah Williams

Martha Williams 65-3  
dead  
married

William Hoskins  
dead  
(Cher + Mex)

MC R  
4382  
(or SAM)

Samuel Hoskins 55-3  
(only)

wife

(or Adeline)  
Adaline Hoskins 45-  
-m- (1/4 or 1/8)

MC R  
4382  
Jessie Hoskins 9  
Lacy " 7  
Lillie " 5  
Nora " 3

MC R 4391

Josie Hoskins 30-  
married  
Sam Kidd  
-m-

MC R  
4307

Barney Hoskins 24-1/8  
wife

Jeanette Hoskins  
w+m

MC R  
4124

Ed Hoskins 23-1/8

MC R  
4172

Addie Hoskins 18-  
married  
J. W. Gray  
-m- gro

for wife: thro her mother, (or Elsie) (or Adeline) (or 1/8)  
married Joseph McChristian (1/8) 9-5, wife's remote ancestor  
Elsie Campbell (q.m.)

Jack Hoskins?

Martha Williams 65  $\frac{3}{4}$   
married

Sarah Williams

William Hoskins 100?  
dead  
(Chert & Mex.)

Isaiah Hoskins 58?

Jesse Hoskins 18

## For Identification as a Mississippi Choctaw.

Date DEC 17 1901

Name Sam Hopkins

Age 55 Blood  $\frac{1}{2}$   $\frac{3}{8}$ 

Post Office, Muskogee I.T.

Father: William Hopkins Dead

Mother: Martha " Dead

Claims through Mother blood  
wife Adaline Hopkins  $\frac{1}{4}$  425Father Joseph McChristian Dead  
Mother Ellen " Dead

Claims through mother

## Children:

~~Joseph Hopkins~~

Therrie Hopkins 9

Lacy " (N) 7

Lillie " 5

Nora " 3

Claims for self, wife and four  
minor children.

Signed: N. B. Rister

Choctaw MCR 4383

Kate Barton

See MCR 3384

MCR 4383

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. December 18, 1901.

4383

In the matter of the application of Sallie Barton for the identification of her minor daughter Kate Barton as a Mississippi Choctaw.

Applicant not represented by attorney.

Sallie Barton being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sallie Barton.  
Q How old are you? A Sixty years old.  
Q What is your post-office address? A Silo, I.T.  
Q You make any claim of having Choctaw Indian blood? A No in me, in my husband.  
Q Then you desire to make application for this minor child? A Yes sir.  
Q What is the name of that child? A Kate.  
Q How old is she? A She is fifteen.  
Q How much Choctaw blood does she claim to have? A About one-fourth, her father said his father was about one-half or three quarters or more.  
Q Her post-office address is Silo Indian Territory the same as yours? A Yes sir.  
Q What is the name of her father? A William Marion Barton.  
Q He is dead? A Yes sir.  
Q You are the mother of this child? A Yes sir.  
Q She claims her Choctaw Indian blood through her father does she? A Yes sir.  
Q When did William Marion Barton die? A Three years ago.  
Q How old was he when he died? A Fifty seven I believe.  
Q Then he would be about sixty years of age if he were living now? A Yes sir.  
Q Where was he born? A Mississippi.  
Q How long did he live in Mississippi? A He lived there until he was about twenty-five years old.  
Q Where did he move to then? A Arkansas and stayed there eight years and then went to Texas and he stayed there until about fourteen years ago and then moved to the Nation.  
Q Indian Territory? A Yes sir.  
Q Did this child for whom you make application move here with him at that time? A Yes when we came to the Territory.  
Q This child is your child and the daughter of William Marion Barton? A Yes sir.  
Q Was William Marion Barton ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Were you and your husband legally married? A Yes sir.  
Q When and where were you married? A Mississippi.  
Q Under a license? A I don't know, we were married in the times of the War.  
Q Did you have a marriage license? A Yes I think so.

- Q Were you married by a minister? A No sir by a Justice of the Peace.
- Q Have you with you any evidence of the legal marriage of yourself and husband? A No sir.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of yourself to your husband in support of the application you make for your minor child. You can furnish the Commission with the original marriage license and certificate or a certified copy of the same or the affidavit of three or more witnesses.

- Q Who did William Marion Barten get his Choctaw blood from? A His father.
- Q What was his father's name? A John is what they called him.
- Q Did he live in Mississippi? A Yes sir.
- Q Did he die in Mississippi? A No sir he died in Texas.
- Q He moved from Mississippi to Texas? A Yes sir.
- Q You know how old he was when he died? A Along about seventy years old.
- Q You know what year he was born? A No sir.
- Q How long has it been since he died? A I could not tell.
- Q You know what year he died? A No sir I don't.
- Q Was it five, ten, fifteen or twenty years ago? A It has been twenty years.
- Q Has it been more than twenty years? A Yes it might be longer than twenty years.
- Q Refresh your memory, see if you can't give us some idea? A I expect it has been about twenty-five years.
- Q You think he would be about ninety-five years if he were living now? A Yes I guess he would.
- Q Is the name of your child to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or did any one for you ever make application to the Choctaw tribal authorities to have this minor child enrolled as a member of that tribe? A No sir.
- Q Did you or any one for your minor child in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you or has any one else for this minor child ever made application prior to this time to the Choctaw tribal authorities or the authorities of the United States to have this child admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Has this child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you appear before the Commission at this time then to make application for your minor child Kate Barton, claiming rights for her in the Choctaw lands, Indian Territory, under the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw tribe of Indians? A Yes sir.

A treaty between the United States government and the Choctaw tribe of Indians was entered into at a place called Dancing Rabbit Creek in Mississippi on the twenty seventh of September eighteen hundred and thirty. At the time the treaty was made the Choctaw Indians occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw Nation Mississippi and Alabama to a new country West of the Mississippi River



Alabama to a new country West of the Mississippi River. At the time the treaty was made some of the Choctaws were unwilling to leave the old Choctaw Nation in Mississippi and Alabama and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions, he should within six months from the date of the ratification of this treaty, the treaty being ratified on the 24th day of February 1831, go before the government agent in Mississippi and signify to him or tell him that he wanted to remain in the State and accept land under the provisions of this fourteenth article and become a citizen of the States. After a Choctaw had signified his intention of remaining and becoming a citizen of the States he was entitled to a reservation of land, of one section of six hundred and forty acres bounded by sectional lines of survey and for each child in his family over the age of ten years and unmarried he was entitled to one half section or three hundred and twenty acres and one quarter section or one hundred and sixty acres for each child under ten years of age; the reservations of the children to adjoin the reservation of the parent and the reservation to include any improvements that the head of the family owned on the twenty-seventh day of September 1830. By this article also, a Choctaw who had fully complied with this article and accepted lands under it was required to live upon this land for five years after which time the government gave him a title in fee simple and he could then dispose of the land at his pleasure. The last clause of this article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that in case a Choctaw preferred to remain in the State of Mississippi and become a citizen of the States and receive land under the fourteenth article, he would not by so doing forfeit his right to citizenship in the Choctaw Nation Indian Territory but that he would forfeit any right that he might have to participate in the payment of annuities, that is moneys paid by the government of the United States under treaty provisions.

Q Do you think you understand that article now? A Why I don't know whether I do.

- Q What part do you think you don't understand? A That he never received any land.
- Q Is there any further explanation that you want me to make? A No sir.
- Q You understand that this article was added for the purpose of providing for those Choctaws who wanted to remain in the State of Mississippi, you understand that do you? A Yes I reckon I do.
- Q You also understand that the Choctaws who remained in the State of Mississippi and complied with this article did not forfeit their right to citizenship in the Choctaw Nation, Indian Territory? A I don't know nothing about it I was too little then.
- Q It is not a question of your age at that time, I asked you whether you understood my explanation of it? A I guess I can understand it. I am hard to see into anything.
- Q What is the name of the Choctaw ancestor of Kate Barton who lived in Mississippi in 1830 at the time the treaty of 1830 was made? A Well sir I could not tell you.
- Q Did you say she claimed through her father? A Yes sir.
- Q Who did he get his Choctaw blood from? A His father.
- Q His name was John Barton? A Yes sir.
- Q Was John Barton living in Mississippi in 1830? A I reckon he was.
- Q Well was he? A I don't know.
- Q So far as your own knowledge goes you don't know whether he was living in Mississippi in 1830? A No sir I don't know further back than I can recollect.
- Q All you know about it then is from family history? A Yes sir my mother said he was there, after I was a little chunk of a child he moved there in Mississippi and lived along side of us.
- Q Where was he living when he moved back to Mississippi? A He lived close to Mobile.
- Q Was that in Alabama or Mississippi? A It was at Aberdeen.
- Q That in Mississippi? A Yes I think so, then he moved up there close to where we lived and lived there a long time.
- Q What year did all this happen in? A I could not tell you.
- Q You know how old a man he was at that time? A No sir we was all little children, his children was little and I was little.
- Q You know whether any of the Choctaw ancestors of this child of yours were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A Yes I guess so.
- Q You understand that question? I said recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A Yes sir.
- Q How do you know that? A Just from what I heard them say.
- Q You have no proof of that? A No sir.
- Q All you know is what you have been told? A Yes sir.
- Q How much Choctaw blood did John Barton have? A About three quarters or more.
- Q How much Choctaw blood did William Marion Barton have? A One-half.
- Q Did Marion Barton's mother have any Choctaw blood? A No sir.
- Q How could he have one-half when his mother had no Choctaw blood and his father was three quarters? A I could not tell you, that is what they claimed that is all I know.
- Q Did you ever see John Barton? A Yes sir, seen him many times.
- Q What was his appearance? A Dark skin, low heavy set man, dark eyes and dark hair.
- Q Did he speak or understand the Choctaw language? A No sir he talked English. He could not talk Choctaw at all.
- Q Could not talk it at all? A No sir I never heard him talk it.
- Q Did William Marion Barton speak or understand the Choctaw language? A No sir.

- Q Is it not a fact that William Marion Barton was not possessed of one-half Choctaw Indian blood? A I don't know.
- Q Did he ever tell you how much Choctaw blood he had? A Yes he always told me that he was one quarter or one-half.
- Q Well you are claiming for the child one-quarter? A He said he was one-quarter or one half.
- Q Did his mother have any Choctaw blood? A No sir.
- Q We got all his Choctaw blood from his father? A Yes sir.
- Q And you say his father had three quarters? A Yes sir.
- Q Then that would make your daughter have about three sixteenths Choctaw blood would it not. If this child's grandfather was three quarters Choctaw and her grandmother possessed no Indian blood her father would have been one-half of three-quarters? A Yes sir.
- Q That would be three eighths and you have no Choctaw blood, then she would be one-half of three eighths or three sixteenths? A Yes sir.
- Q Then you are satisfied that you were wrong when you first said that she had one-quarter Choctaw blood? A That is what they claim.
- Q Well is it not a fact that it is impossible for her to have one-fourth Choctaw blood from the line of descent as you have testified? A Yes sir.
- Q Are you satisfied that she is only three sixteenths Choctaw now? A Well I reckon she could not be any more.
- Q When and where did your husband die? A Here in the Nation.
- Q At Silo where you live now? A No sir close to the old Fort Washita.
- Q How long have you lived in the Indian Territory? A Fourten years.
- Q Did he ever at any time appear before the Commission to the Five Civilized Tribes and apply for citizenship in the Choctaw Nation? A No sir.
- Q Have you got any evidence of the marriage of your husband's father and mother? A No sir I think may be this man Jesse Barton has.
- Q Is Jesse Barton related to you? A Yes sir he is my husband's brother's child?

It will be necessary for you to file with the Commission evidence of the legal marriage of your husband's father and mother in support of the application you make for this child.

- Q Did any of the Choctaw ancestors of this child own any improvements on land in Mississippi in 1830 at the time when this treaty was made? A I don't know.
- Q Did John Barton own any land in Mississippi when you knew him? A Yes he bought a place, he paid for it with stock when he came there.
- Q Did any of the Choctaw ancestors of this child move from the old Choctaw Nation in Mississippi to the new Choctaw Nation Indian Territory between the years 1833 and 1838 when the main portion of the Choctaws moved from Mississippi and Alabama to the Choctaw Nation, Indian Territory? A I don't know.
- Q Did any of the Choctaw ancestors of this child within six months after February 24th 1831 go before the Indian Agent in Mississippi and claim lands under the fourteenth article of this treaty? A Not that I know of.
- Q Did any of the Choctaw ancestors of this child ever claim or receive any lands from the United States Government under the provisions of this fourteenth article? A No that I know of.

In accordance with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain and become citizens of the States. The records of the government show that this agent failed to register the names of a great many Choctaws who did signify to him their intention to remain in Mississippi and accept lands under the fourteenth article. This caused many complaints on the part of the Choctaws who had lands there which they desired reserved for them and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to Mississippi and investigate these claims. These Commissions went to Mississippi and investigated a number of claims. Of the claims allowed by the Commission after being approved by the Secretary of War and by the President if the land had not been sold the Indians were put in possession of it; if the land had been sold, at the public land sales of the government, the Indians were given scrip under which they could locate land from vacant government lands in Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of the Choctaw ancestors of this child appear before any of these Commissions and attempt to establish any claim which they had to land under this fourteenth article of the treaty? Not that I know of.
- Q Did any of the Choctaw ancestors of this child receive any scrip from any of these government Commissions? A No sir not that I ever heard of.
- Q Do you know whether any of the Choctaw ancestors of this child ever received any benefits from the government as Choctaw Indians? A Not that I know of.
- Q Do you know of the existence of any documentary evidence, any papers of any kind that would tend to show that the Choctaw ancestors of this child complied or attempted to comply with the provisions of the fourteenth article? A No.
- Q Do you know of any witnesses living who can come before this Commission and testify about these facts? A No sir I don't know of anybody.
- Q Have you any written evidence that you want to file with the Commission at this time in support of your application? A Yes sir.

Applicant here submits her own affidavit in which she testifies that she is the wife of William Marion Barton, deceased, who was about one-half breed Choctaw Indian, to whom she was married in Itawamby County, Mississippi and that he was a son of John Barton and his wife Suretta and that John Barton was about three-quarters Choctaw and that his wife Suretta was a white woman, the same is filed, marked exhibit "A" and made a part of the record in this case.

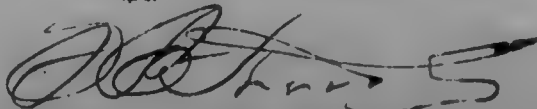
- Q In this affidavit you swear that your husband was about one-half breed Choctaw and that his father was about three quarters and that his wife was a white woman. That statement in itself shows that your husband could not be one-half breed Choctaw, that he would be about three-eighths. I want to call your attention to this fact because the affidavit in itself is in conflict as to the quantum of blood possessed by your husband? A Yes sir.
- Q Are there any further papers that you want to submit? A No sir that is all.
- Q You don't know of any other kind of evidence that you can get to support this application that you have made? A No sir I do not.

#7

- Q Don't you know that you are applying for valuable property rights and that your unsupported statement will carry very little weight when the Commission finally takes up your case for consideration? A Yes sir.
- Q Who prepared this case for you; did you hire any lawyers to prepare the case for you? A No sir.
- Q What made you think you had a right to share in the Choctaw lands in the Indian Territory? A My son in law got that, he talked to the people here at Caddo.
- Q Has your son-in-law ever made application for identification as a Mississippi Choctaw? A He is here just let him speak for himself.
- Q Who is Martha L. Bourne? A My oldest child.
- Q She present here to day? A Yes sir.
- Q Who is Martha A. Rowin? A That is my next oldest girl but I don't know where she lives.
- Q Who is Betty Hartidan? A That is the third child of mine.
- Q Is she here to day? A No sir.
- Q Has she ever been before the Commission? A No sir her man was down here at Caddo.
- Q When was he at Caddo? A Last Wednesday.
- Q He could not make any application before the Commission at Caddo for identification as a Mississippi Choctaw last Wednesday.
- Q Who is Cora L. Mill? A Here she is. (indicating)
- Q Is it Mill or Hill? A She is married, she married a Hill.
- Q So it is Cora L. Hill? A Yes sir.
- Q You have here Kata is that the name of this child for whom you make application? A Kate is her right name.
- Q Was this affidavit read over to you? A Yes sir.
- Q Did you understand it when it was read to you? A Yes sir I understood it very well.
- Q Why did you not make these changes? A I didn't know those mistakes were there.
- Q Are there any other members of your family that you have not named in this affidavit? A No sir I have just got five children.
- Q Has your husband got any brothers living? A Yes two the last I heard of them.
- Q Where do they live? A One lives about Ardmore.
- Q What is his name? A Doc is what they call him.
- Q What is the name of the other? A Dan.
- Q Where does he live? A In Texas.
- Q Did they have families? A Yes they had wives.
- Q Did they have any children? A I think Doc has one or two, Dan has none.
- Q Do you know whether either of them have ever been before the Commission and applied for identification as Mississippi Choctaws? A No sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 18, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

Subscribed and sworn to before me this 31 day of December 1901.



Commissioner.

Miss. Choctaw 4383

Muskogee, Indian Territory, April 7, 1902.

Sally Barton,

Silo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between William Barton and Sarah Shields, and affidavits of Z. D. Bourne and John Lewis, which are offered in support of your application for the identification of your minor child Kate Barton as a Mississippi Choctaw. The same have been filed with the record in this case.

Yours truly,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Kate Barton,

Silo, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Newton Killough, et al., embracing the following applications for identification as Mississippi

Choctaws:

|                               |             |
|-------------------------------|-------------|
| John Newton Killough, et al., | M.C.R. 3384 |
| Alice White Rolan, et al.,    | " 3385      |
| Jess Barton,                  | " 4386      |
| Rufus Barton, et al.,         | " 5744      |
| Henry D. Barton, et al.,      | " 5745      |
| Albert L. Barton, et al.,     | " 5746      |
| James I. Barton, et al.,      | " 5747      |
| Martha Bourne,                | " 4384      |
| Cora Lee Hill, et al.,        | " 4385      |
| Kate Barton,                  | " 4383      |
| Belle Cole,                   | " 5743.     |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the



K.B. #2.

identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Newton Killough, John Beriz Killough, Jessie May Killough, Alice White Rolan, Marion Esther Rolan, Vallie Edna Rolan, Jess Barton, Rufus Barton, Lennie Barton, Willie Barton, Clyde Barton, Walter Barton, Jennie Barton, Henry D. Barton, Stella Barton, Basil Barton, Ervan Barton, Ruby Barton, Eva Barton, Albert L. Barton, Dorothea Barton, Joannia Barton, Oscar Barton, James L. Barton, Jesse Barton, Martha Bourne, Cora Lee Hill, Winnie Florence Hill, Earnest Wesley Hill, Kate Barton and Belle Cole as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

*Tame Dixoy.*  
Acting Chairman.

Registered.



Muskogee, Indian Territory, December 22, 1902.

Kate Barton,

Silo, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Newton Killough, et al., of which decision you were advised by registered mail on the 24 day of September, 1902.

Respectfully,

*Tame Bixby*  
Acting Chairman.

REFER IN REPLY TO THE FOLLOWING:

M C R 4383

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 10, 1906.

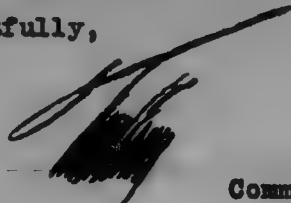
Kate Barton,

Silo, Indian Territory.

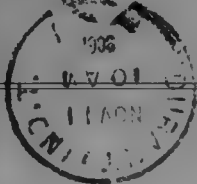
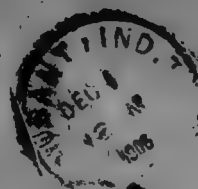
Dear Madam:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 25, 1906, by Cora Lee Hill, requesting a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,



Commissioner.



DEPARTMENT OF THE INTERIOR.  
Commissioner to the Five Civilized Tribes

FILED

DEC - 4 1906

Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.



*Return to writer*  
**4383**

~~Kate Barton,~~

~~Silo, Indian Territory.~~

*Mrs. Choctaw Silo*

For Identification as a Mississippi Choctaw.

Date DEC 18 1901

*Sallie Barton* on behalf of her

*Name Kate Barton*

Age 15 Blood ~~1/2~~ 3/16

Post Office, *Silo I. J.*

Father: *William Marion Barton* *Dis*

Mother: *Sallie Barton* ✓

Claims through *Father*

Children:

Stenographer

*G Rosenwinkel*

Choctaw MCR 4384

Martha Bourne

See MCR 3384

MCR 4384

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee I.T. December 18, 1901.

4384

In the matter of the application for identification as a  
Mississippi Choctaw of Martha Bourne.

Applicant not represented by attorney.

Martha Bourne having been first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Martha Bourne.  
Q How old are you? A Thirty-three years old.  
Q How much Choctaw blood do you claim to be possessed of? A Three sixteenths.  
Q What is your post office address? A Silo.  
Q Indian Territory? A Yes sir.  
Q How long have you lived at Silo? A Three years.  
Q Where did you live before you moved to Silo? A On the twelve mile Prairie.  
Q Born in Indian Territory? A No sir.  
Q Where were you born? A Mississippi.  
Q Where did you move to from Mississippi? A Arkansas.  
Q From Arkansas where to? A Texas.  
Q From Texas where to? A Territory.  
Q How long have you lived in the Indian Territory? A Fourteen years.  
Q Is your father living? A No sir.  
Q What was his name? A William Marion Barton.  
Q How old would your father be if he were living now? A He would be about sixty.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Sallie Barton.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q Where was your father born? A Born in Mississippi I suppose.  
Q Where did he die? A Here in the Nation.  
Q You know how long he lived in the Nation prior to his death? A About eleven years.  
Q How much Choctaw blood did your father claim? A No answer.  
Q You say you claim your Choctaw blood from your father; who did he derive his Choctaw blood from? A His father.  
Q How much Choctaw blood did your grandfather have? A Three quarters.  
Q Was your father's mother a white woman? A My father's mother?  
Q Yes? A Yes sir.  
Q Then if your grandfather had three quarters Choctaw blood and married a white woman your father could not have over one-half that quantity which would make your father about three eighths, would it not? A Yes sir.  
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Were your father and mother legally married? A Yes sir.  
Q You know when and where they were married? A Mississippi.  
Q Where they married under a license? A I guess so.  
Q Were they married by a minister or official? A Justice of the Peace.

Q Have you their marriage license and certificate with you? A No sir.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of your father and mother in support of your application. You can file the original license and certificate or you can file certified copies thereof.

- Q Are you married? A Yes sir.
- Q What is the name of your husband? A Bourne.
- Q Give the full name? A Thomas E. Bourne.
- Q Is he a white man? A Yes sir.
- Q Makes no claim to Indian blood? A No sir.
- Q You make any claim for him? A No sir he is dead.
- Q He made no claim to Indian blood? A No sir.
- Q Have you any children for whom you desire to make application at this time? A No sir.
- Q Claiming for yourself alone? A Yes sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation, Indian Territory? A Not that I know of.
- Q Would you not know if your name had been put on the Choctaw rolls by the Choctaw tribal authorities, were you ever advised by the Choctaw tribal authorities that you had been enrolled? A Not that I know of.
- Q As a matter of fact don't you know that your name is not on any of the Choctaw tribal rolls? A No answer.
- Q You have testified that you have lived in the Territory about fourteen years? A Yes sir.
- Q Did you ever appear before any of the Choctaw tribal authorities to have your name placed on the rolls as a citizen of the Choctaw Nation? A No sir.
- Q Were the Choctaws running around the Country and putting names on the rolls indiscriminately? A No answer.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe; did you ever make any application to the Choctaw people to be enrolled as a citizen? A Not that I know of.
- Q You never went before any of them and asked them to make you a citizen of the Choctaw Nation? A I was at Cadde the other day.
- Q That was not the Choctaw tribal authority. I asked you if you had ever in your life made application to the Choctaw tribal authorities to be enrolled as a citizen of the Choctaw Nation? A No.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you come before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory for yourself under the provisions of article fourteen of the treaty between the United States government and the Choctaw Indians, concluded September twenty-seventh, eighteen hundred and thirty at Dancing Rabbit Creek in Mississippi? A Yes sir.



The treaty of eighteen hundred and thirty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh day of September eighteen hundred and thirty. At the time the treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the western boundry line. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them to a New country West of the Mississippi River. At the time the treaty was made some of the Choctaws did not want to come to the new country and for the benefit of this class of Indians that article was made a part of the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each ~~unmarried child which living with him over ten years of age and~~ a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article required that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions he should within six months from the ratification of the treaty, the treaty being ratified by Congress on the 24th day of February 1831 go to the government agent in Mississippi and signify to him or tell him that he intended to remain in the State and wanted to become a citizen of the State and wanted to accept lands under this fourteenth article. After doing this, a Choctaw was then entitled to a reservation of one section of six hundred and forty acres of land and for each unmarried child in his family over ten years of age he was entitled to one half section or three hundred and twenty acres and for each child under ten years of age one-quarter section of one hundred and sixty acres of land to be bounded by sectional lines of survey the reservation of the parents to adjoin the reservation of the children and the reservation to include any improvements that the head of the family might own at the time of the conclusion of the treaty. This article also required that in case a Choctaw had fully complied with this article, that is gotten his land and resided upon it for a term of five years the government would give him a title in fee simple, enabling him to sell or dispose of his land at his pleasure. The last clause of this article is as follows:

"Persons who claim under the article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw had fully complied with all the requirements of this article by remaining in Mississippi and

taking his land under the provisions of this article and resided upon this land for five years he did not forfeit his rights to citizenship in the Choctaw Nation Indian Territory any right he might have to participate in the payment of the Choctaw annuities. Annuities were moneys paid to the Choctaw Indians by the United States government under treaty provisions.

- Q This is the article under which you claim? A Yes sir.
- Q You think you understand it? A Yes sir I think so.
- Q What is the name of your Choctaw ancestor or your foreparent who lived in Mississippi at the time this treaty was made, that is the twenty-seventh of September eighteen hundred and thirty?
- A My grandfather.
- Q What was his name? A John Barton.
- Q Was he your father's father? A Yes sir.
- Q Was he a recognized member of the Choctaw tribe of Indians in eighteen hundred and thirty? A I don't know.
- Q Did this ancestor of yours ever comply or attempt to comply with the provisions of this fourteenth article of the treaty that I have just read to you; I mean did he ever go before the Indian Agent and tell him that he wanted to take land under this fourteenth article? A Not that I know of.
- Q Do you know whether he ever received any land from the United States government under this fourteenth article? A No sir I don't know.
- Q Do you know whether any of your Choctaw ancestors ever owned any improvements in the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A No sir I don't know.
- Q Do you know whether any of your Choctaw ancestors ever removed from the old Choctaw Nation in Mississippi or Alabama to the new Choctaw Nation, Indian Territory between the years eighteen hundred and thirty-three and eighteen hundred and thirty-eight when the Choctaws came to the Territory? A I don't know.

In accordance with the provisions of this fourteenth article the government directed an Agent in Mississippi to register the names of all Choctaws who wished to remain in the State and become citizens of the States, and wanted to accept lands under this fourteenth article. The records of the government show that this agent failed, in many instances, to record the names of Choctaws who really did signify to him their intention of remaining in the state and complying with the provisions of this article, and on this account in many instances the land upon which the Indians had improvements and which they desired reserved for them under this fourteenth article was sold by the government at public land sales. This action of the government caused a great many complaints and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to Mississippi and investigate these claims. The Commissions investigated a number of claims and some claims were allowed and some rejected. Of the claims allowed, after their approval by the Secretary of War and by the President if the land had not been disposed of at the public land sales the Indians were put into possession of this land if however the Indians had established their claims before the Commissions and the land had been sold by the government they were given scrip in lieu of the lands they had lost.

- Q Did any of your Choctaw ancestors ever appear before any of these Commissioners and attempt to establish their claims under this fourteenth article? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

- Q This scrip that I have just mentioned entitled these Indians to locate on vacant government lands in Mississippi, Louisiana, Alabama or Arkansas. Do you know whether they ever owned and land in any of these States? A I don't know.
- Q Do you know whether any of your Choctaw ancestors ever received any scrip from any of these government Commissions? A No sir I do not.
- Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians. I mean by recognized, were they recognized by the Choctaw tribal authorities? A They called them so in Mississippi, as recognized as Indians.
- Q By whom? A By the people with whom they lived.
- Q Not by the Choctaw tribe of Indians? A No sir I don't know.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government in the shape of land? A Not that we know of.
- Q Do you know of the existence of any written evidence such as deeds, patents to lands, that would tend to show that any of your ancestors ever received any lands from government under the fourteenth article of the treaty of eighteen hundred and thirty? A Not that I know of.
- Q Do you know of any witnesses who are living who could come before this Commission and testify that any of your Choctaw ancestors ever complied with this fourteenth article and received land as Choctaws under it? A Why I don't know, I want time to get up some evidence.
- Q They would have to testify to facts that existed in eighteen hundred and thirty; do you know of any witnesses who could come before the Commission and testify that your ancestors did get land from the United States government under this fourteenth article? A No sir.
- Q Have you any written evidence that you desire to offer at this time?

The applicant submits the affidavit of her mother Sallie Barton which is marked exhibit "A" filed and made a part of the record in this case.

- Q Sallie Barton is your mother is she? A Yes sir.
- Q She is the maker of this affidavit? A Yes sir.
- Q Mary A Rowin your sister? A Yes sir.
- Q Betty Hartigan your sister? A Yes sir.
- Q Gera L. Hill your sister? A Yes sir.
- Q Kate Barten your sister also? A Yes sir.
- Q Do these people derive their Choctaw blood from the same source that you do? A Yes sir.
- Q Is there any further statement that you desire to make? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has black hair, black eyes and medium dark complexion, has the physical features and appearance of a person descended from white parentage, does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. It is noted here that this applicant is the sister of of the applicant Kate Barten, M.C. 4583 for whom application was made by her mother, said Kate Barten not being present.

- Q Will you give a description of your sister Kate as to how she looks; does she resemble you? A No sir she is fair skinned.  
Q What is the color of her hair? A Light hair.  
Q What is the color of her eyes? A Blue eyes.  
Q Does she speak or understand the Choctaw language? A No sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 18, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this <sup>31</sup> day of December 1901.

*[Signature]*

Commissioner.

Miss. Choctaw 4384

Muskogee, Indian Territory, April 7, 1902.

Martha Bourne,

Silo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of certified copy of a certified copy of the marriage license and certificate between William Barton and Sarah Shields, and certified copies of the affidavits of Z. D. Bourne and John Lewis, and the same have been filed with the record in the matter of your application for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R4384

Muskogee, Indian Territory, June 18, 1902.

John Hill,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 14, inclosing the following papers for filing in support of applications for identification as Mississippi Choctaws:

Certified copies of the affidavits of T. P. Carlisle and Belle Cole for filing in support of the applications of Kate Barton, Martha Burne and Gora Lee Hill, et al., respectively, and the same have been filed with the record in the above named cases and will receive consideration in the disposition of the applications.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, September 3, 1902.

Martha Bourne,

Silo, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Newton Killough, et al., embracing the following applications for identification as Mississippi Choctaws:

|                               |             |
|-------------------------------|-------------|
| John Newton Killough, et al., | M.C.R. 3384 |
| Alice White Rolan, et al.,    | " 3385      |
| Jess Barton,                  | " 4386      |
| Rufus Barton, et al.,         | " 5744      |
| Henry D. Barton, et al.,      | " 5745      |
| Albert L. Barton, et al.,     | " 5746      |
| James I. Barton, et al.,      | " 5747      |
| Martha Bourne,                | " 4384      |
| Cora Lee Hill, et al.,        | " 4385      |
| Kate Barton,                  | " 4383      |
| Belle Cole,                   | " 5743.     |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and

M.B. #2.

the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Newton Killough, John Merin Killough, Jessie E. Killough, Alice White Rolan, Marion Esther Rolan, Vullie Edna Rolan, Jess Barton, Rufus Barton, Jennie Barton, Willie Barton, Clydie Barton, Walter Barton, Jennie Barton, Henry D. Barton, Stella Barton, Basil Barton, Bryan Barton, Ruby Barton, Era Barton, Albert L. Barton, Dorothea Barton, Johnnie Barton, Oscar Barton, James I. Barton, Jesse Barton, Martha Bourne, Cora Lee Hill, Minnie Florence Hill, Earnest Wesley Hill, Kate Barton and Belle Cole as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

John L. Smith,  
Acting Chairman.

Registered.



Muskogee, Indian Territory, December 22, 1902.

Martha Bourne,

Silo, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Newton Killough, et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

*John N. Killough*  
Acting Chairman.

REFER IN REPLY TO THE FOLLOWING:

N C R 4384

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 10, 1906.

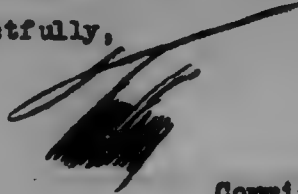
Martha Bourne,

Silo, Indian Territory.

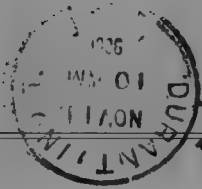
Dear Madam:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 25, 1906, by Cora Lee Hill, requesting a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,



Commissioner.



DEPARTMENT OF  
Commissioner to the

RECEIVED

DEC 4 1906

Commissioner

Department of the Interior.

Subsidiary to the Five Civilized Tribes,  
MUSKOGEE, IND. TERR.

Return to Writer

4384

~~Washington, D.C.~~

Bill, Indian Territory.



Department of the Interior.

Commissioner to the Five Civilised Tribes,

MUSKOGEE, IND. TER.



*Re-transmitted to Writer*

4384

~~Martha Bourne,~~

Gilo, Indian Territory.

## For Identification as a Mississippi Choctaw.

Date DEC 18 1901

Name Martha Bourne

Age 33 Blood 3/16

Post Office, Silo I. T.

Father: William Marion Barton Dead

Mother: Ollie Barton ✓

Claims through father  
Charles E  
Thomas Bourne Dead

Claims for self alone

Children:

G.R.

Choctaw MCR 4385

Cora Lee Hill

See MCR 3384

MCR 4385

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. December 22, 1901.

4385

In the matter of the application for identification as Mississippi Choctaws of Cora Lee Hill for herself and her two minor children Minnie Florence and Earnest Wesley Hill.

Applicants not represented by attorney.

Cora Lee Hill being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Cora Lee Hill.  
Q How old are you? A Twenty-one.  
Q How much Choctaw blood do you claim to have? A Three sixteenths.  
Q What is your post-office address? A Cade, I.T.  
Q How long have you lived in the Indian Territory? A Fourteen years.  
Q Where were you born? A In Jack County, Texas.  
Q Ever live anywhere else besides Texas and the Indian Territory?  
A No sir.  
Q Is your father living? A No sir.  
Q What was his name? A William Marion Barton.  
Q How old would your father be if he were living now? A Sixty years old.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Sallie Barton.  
Q How old is your mother? A Be sixty years to-morrow.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q Who did your father get his Choctaw blood from? A His father.  
Q What was his father's name? A John Barton.  
Q Were your father and mother legally married? A Yes sir.  
Q When and where were they married? A In Mississippi in 1845.  
Q You know whether they were married under a license or not? A No sir.  
Q By a minister or an official? A By a justice of the Peace.  
Q Have you evidence of their marriage? A No sir.

It will be necessary for you to furnish the Commission with evidence of this marriage in support of your application.

- Q A I have my father's bible where he wrote it down.  
Q If you cannot get a copy of the original marriage license and certificate the Commission will accept the affidavits of persons who saw the marriage ceremony performed.

It will also be necessary for you to furnish the Commission with evidence of the marriage of your grandfather and grandmother, the same kind of evidence, either copies of records or affidavits of witnesses who saw the marriage ceremony performed.

- Q Where did your father William Marion Barton die? A Down here close the Sile on the twelve mile prairie.  
Q That was Indian Territory? A Yes sir.



- Q Where was he born? A In Mississippi.
- Q He claims his Choctaw blood through his father John Barton, where did his father die? A In Texas.
- Q Did he ever live in Mississippi? A Yes sir.
- Q You know if he was born in Mississippi or not? A No sir.
- Q You know what years he lived in Mississippi? A No sir.
- Q or what time? A No sir.
- Q Are you married? A Yes sir.
- Q Have you any children for whom you wish to make application at this time? A Yes sir. I have two.
- Q Give me the name of your husband please? A J. L. Hill.
- Q He is living? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q Does he make any claim to Choctaw blood? A No sir.
- Q You make any claim for him? A No sir.
- Q Give me the names and ages of the children for whom you desire to make application? A Minnie Florence, is the oldest.
- Q How old? A Four years old.
- Q The next? A Earnest Wesley.
- Q How old? A Fifteen months old.
- Q That is all? A Yes sir.
- Q Then your application is for yourself and your two minor children A Yes sir.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or did any one for you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No sir.
- Q Did you or did any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself and your minor children to either the Choctaw tribal authorities, or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, Indian Territory for yourself and your minor children under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty concluded between the United States government and the Choctaw tribe of Indians at Dancing Rabbit Creek in Mississippi? A Yes sir.

This treaty was made between the United States and the Choctaw tribe of Indians on the twenty-seventh day of September eighteen hundred and thirty. The Choctaw Indians at that time occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western Boundary line. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them in Mississippi and Alabama to a New Country west of the Mississippi River. At the time the treaty was made some of the Choctaws were unwilling to remove to this

new Country but wanted to remain on the lands that were then owned by the Choctaw tribe in Mississippi and Alabama and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw had of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him, over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions he should within six months after the treaty was ratified by Congress, the 24th day of February 1831, go to the government Agent in Mississippi and signify to him that is tell him that he wanted to stay in Mississippi and become a citizen of the States and accept lands under the provisions of the fourteenth article. After a Choctaw did this he was entitled to a reservation of one section of six hundred and forty acres of land and for each unmarried child in his family over ten years of age he was entitled to one half section or three hundred and twenty acres, and one quarter section or one hundred and sixty acres for each child under ten years of age, the reservation of the children to adjoin the reservation of the parents, and the reservation to include any improvements that the head of the family owned at the time the treaty was concluded, September twenty-seventh, eighteen hundred and thirty. This article also required that in case a Choctaw did accept lands as a beneficiary under this article of the treaty he should reside upon this land for a term of five years after which time the government gave him a title in fee simple which would enable him to dispose of the land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that if a Choctaw remained in the State of Mississippi and complied fully with the provisions of this article he did not forfeit his citizenship in the New Choctaw Nation Indian Territory but did forfeit any right that he might have to claim any of the Choctaw annuities. Annuities were moneys paid to the Choctaws by the United States government under treaty provisions.

- Q What was the name of your ancestor who resided in Mississippi in eighteen hundred and thirty when this treaty was made, that is September twenty-seventh, eighteen hundred and thirty? A I don't know.
- Q Did you say you claimed your Choctaw descent from John Barton? A Yes sir.

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- Q Did John Barton live in Mississippi in eighteen hundred and thirty when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors live in Mississippi in the old Choctaw Nation, in Mississippi or Alabama in the year eighteen hundred and thirty when this treaty was made? A I don't know I never heard my father say.
- Q Do you know whether any of your Choctaw ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi at that time? A My grandfather was.
- Q Was he a recognized member of the Choctaw tribe of Indians in eighteen hundred and thirty? A He was among the people where he lived.
- Q Did he live in Mississippi in eighteen hundred and thirty? A I could not tell you.
- Q Then you don't know whether he was recognized as a member of the Choctaw tribe of Indians in eighteen hundred and thirty? A No but when he lived there he was recognized as an Indian?
- Q Who by? A White people in his vicinity.
- Q You only know that from family history? A Only from what I heard my father say.
- Q Did any of your Choctaw ancestors own any improvements on what constituted the old Choctaw Nation in Mississippi? A Not that I know of.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation Mississippi or Alabama to the new Choctaw Nation, Indian Territory between the years eighteen hundred and thirty-three and eighteen hundred and thirty eight when the Choctaws came to the Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the 24th day of February 1831, that is the date this treaty was ratified by Congress, go before the government Agent in Mississippi and tell him that they wanted to stay in Mississippi and take land under the fourteenth article of the treaty? A No sir he came to this Country. He came to Texas.
- Q You don't know that he did not go before the Indian Agent? A He did not hold any lands there at all.
- Q He never received any lands from the government in Mississippi? A No sir.

In accordance with the provisions of the fourteenth article the government directed an Agent in Mississippi to register the names of all the Choctaws who desired to remain in what constituted the old Choctaw Nation in Mississippi and Alabama and who desired to become citizens of the States and take land under the fourteenth article. The records of the government show that this agent failed to register the names of many Choctaws who really did signify to him their intention to remain in that country and accept lands under this fourteenth article and on this account in many instances the land upon which the Indians had improvements and which they desired reserved for them was sold by the government at its public land sales and the Choctaws were deprived of their land. This caused many complaints by the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to the State of Mississippi and investigate these claims. They investigated a number of claims and of the claims allowed by them if the land had not been sold by the government at the public land sales the Choctaws were put into possession of it. If however the land had been sold and the claims of the Indians established they were given scrip under which they could locate on any of the vacant government lands in the States of Mississippi, Alabama, Louisiana or Arkansas.

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- Q Do you know whether any of your Choctaw ancestors ever appeared before any of these Commissions and attempted to establish their claim to lands under this fourteenth article of the treaty? A No sir.
- Q Did any of your Choctaw ancestors ever own any land in Mississippi Alabama, Arkansas, or Louisiana which they got from the government? A No sir.
- Q Do you know whether any of your Choctaw ancestors ever received any scrip from the government through these Commissions? A No sir not that I know of.
- Q So far as you know then did any of your Choctaw ancestors ever receive any lands from the government as Choctaw Indians? A No sir I do not.
- Q Do you know of the existence of any documentary evidence, by that I mean any papers, deeds or patents to land to show that any of your Choctaw ancestors did within six months after the ratification of the treaty go before the Indian Agent and tell him that they wanted to stay in Mississippi and take land there? A I think not.
- Q Do you know of any living witnesses who could testify that your Choctaw ancestor did comply with the provisions of this fourteenth article? A None unless it is my uncle Dan.
- Q What is his name? A Dan Barton.
- Q Where does he live? A Terrell, Texas.
- Q Do you know whether he has been before this Commission or not and applied for identification as a Mississippi Choctaw? A No sir I do not know.

The records of the Commission examined and no such name as Dan Barton found on the same, as an applicant for identification as a Mississippi Choctaw.

- Q Is there any further statement you desire to make? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has brown hair, brown eyes and medium fair complexion. She does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

- Q Have you any documentary evidence you want to file? A Yes sir.

The applicant submits the affidavit of Sallie Barton which is marked exhibit "A" filed and made a part of the record in this case.

- Q Sallie Barton who makes this affidavit is your mother? A Yes sir
- Q And Martha Bourne who has just made application for identification as a Mississippi Choctaw is your sister? A Yes sir.
- Q You derive your Choctaw blood from the same source that she does? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings had in the above entitled cause on December 18, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

Subscribed and sworn to before me this 19th day of December 1901.

*G. Rosenwinkel*  
Commissioner

Miss. Choctaw 4385

Muskogee, Indian Territory, April 7, 1902.

Cora Lee Hill,

Caddo, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of certified copy of a certified copy of marriage license and certificate between William Barton and Sarah Shields, and certified copies of the affidavits of E. D. Bourne and John Lewis, and the same have been filed with the record in the matter of your application for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R4385

Muskogee, Indian Territory, June 10, 1902.

Mrs. Cora Lee Hill,

Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 7, in which you ask if sufficient evidence has been filed in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and in reply you are informed that it appears from our records that there have been offered in support of your claim, in addition to your oral testimony at the time you appeared before the Commission as an applicant, certified copies of the affidavits of John Lewis and Z. D. Bourne, and certified copy of a certified copy of marriage license and certificate between William Barton and Sarah Shields. The Commission cannot render any opinion as to the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are taken up for consideration and determination.

Yours truly,

Washoe, Indian Territory, September 3, 1902.

Cora Lee Hill,

Chickasaw, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered decision in the consolidated case of John Newton Hillough, et al., extracting the following applications for identification of Chickasaw:

Choctaws:

|                               |       |       |
|-------------------------------|-------|-------|
| John Newton Hillough, et al., | "C.P. | 3384  |
| Alice White Rolen, et al.,    | "     | 3385  |
| Jess Barton,                  | "     | 4386  |
| Rufus Barton, et al.,         | "     | 5744  |
| Henry D. Barton, et al.,      | "     | 5745  |
| Albert L. Barton, et al.,     | "     | 5746  |
| James I. Barton, et al.,      | "     | 5747  |
| Martha Bourne,                | "     | 4384  |
| Cora Lee Hill, et al.,        | "     | 4385  |
| Kate Barton,                  | "     | 4386  |
| Belle Cole,                   | "     | 5743. |

These applications were made under the provision of the act of Congress of June 28, 189 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the

C.L.H. #21

Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Barton Killough, John Paris Killough, Jessie May Killough, Alice White Rolan, Maria Estlin Rolan, Vallie Mary Rolan, Jess Barton, Rufus Barton, David Barton, Willie Barton, Clydie Barton, Walter Barton, Jennie Barton, Harry D. Barton, Stella Barton, Basil Barton, Bryan Barton, Ruby Barton, Ira Barton, Albert L. Barton, Bertha Barton, John Barton, Oscar Barton, James I. Barton, Jesse Barton, Martha Boudin, Cora Lee Hill, Minnie Florence Hill, Ernest Wesley Hill, Kate Barton and Belle Cole as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the qualifications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

*James Dixey*  
Acting Chairman.

Registered.



Muskogee, Indian Territory, September 4, 1908.

Corn Lee Hill,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you ask if a Mississippi Choctaw applicant will be allowed to take up land before final approval of his case.

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and your minor children as Mississippi Choctaws.

The Commission on September 3, 1908, rendered its decision refusing the application made by you for the identification of yourself and children as Mississippi Choctaws, and on the same date notified you of such action, and of the forwarding of the record to the Secretary of the Interior for review. You will be duly notified of any action taken by him.

It is not believed that applicants for identification as Mississippi Choctaws, until duly identified as such, are in any manner entitled to possessory rights of the tribal property of

0222

the Choctaw and Chickasaw Nations.

Yours truly,

John H. Johnston

Waskagee, Indian Territory, September 11, 1902.

John L. Hill,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you state that you have received notice of the refusal by the Commission of the several applications included in the consolidated case of the Barton family. You also state that John Newton Killough and Alice White Rolan, whose names are included in this consolidated case, do not belong to the Barton family, and ask to be given their post office addresses.

In reply you are informed that it appears from the records of the Commission that you are the husband of Cora Lee Hill who is an applicant to this Commission for the identification of herself and two minor children as Mississippi Choctaws, claiming descent from one John Barton.

Under instructions from the Secretary of the Interior the cases of all applicants for identification as Mississippi Choctaws claiming descent through the same common ancestor, are consolidated and considered as one case. The record in this case shows that John Newton Killough is a grandson of John Barton through his daughter Mary Barton who married G. N. Killough, and

J. L. R.--S.

that Alice White Helen is the daughter of John Newton Killeugh.  
The post office address of these persons is Sherman, Texas.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

Gora Lee Hill,

Gaddo, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Newton Killough, et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

*Tams Dickson*

Acting Chairman.

M C R 3384  
M C R 4385

Muskogee, Indian Territory, July 9, 1906.

Mrs. Cora Lee Hill,  
Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 23, 1906, enclosing motion for rehearing of certain applications in the consolidated Mississippi Choctaw case of John Newton Kilough, et al. The motion has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of John Newton Killough, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of September 3, 1902, adverse to the applicants, was, on same date, forwarded the Department.

December 8, 1902 (I T D 7263-1902), the Department affirmed the decision of said Commission rendered September 3, 1902.

June 25, 1906, this office received from Mrs. Gora Lee Hill, Caddo, Indian Territory, one of the parties applicant in the above consolidated case, a motion for a rehearing of the applications of certain persons named therein. The motion is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

McM 9/2

M C R 4385

Muskogee, Indian Territory, August 9, 1906.

Cora Lee Hill,

Caddo, Indian Territory.

Dear Madam:

On August 2, 1906, this office received a letter from you dated the 1st instant, with which was enclosed applications for the enrollment as citizens of the Choctaw Nation of Nora Ellen and Bona Pearl Hill, minor children of yourself and John Hill.

You are advised that the time within which such applications could be received expired July 25, 1906.

Respectfully,

Commissioner.



COPY.

Land  
72617-1902.  
59947-1906.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, October 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of December 8, 1902, (I.T.D. 7263-1902), I have the honor to transmit herewith a motion for a rehearing of the applications of certain persons named in the consolidated Mississippi Choctaw case of John Newton Killbough, et al. The record in the case is also inclosed.

Very respectfully,

G. F. Larrabee.

Acting Commissioner.

ERM-KEN.

C O P Y

Y.P.

DEPARTMENT OF THE INTERIOR, THE.  
Washington.

I.T.D. 20658-1906.

October 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Sir:

The Department has considered the motion for review filed by Cora Lee Hill in the matter of her application for enrollment as a Mississippi Choctaw, received with your letter of July 19, 1906, and Indian Office letter of October 12, 1906 (Land 59947).

In this case the Department, on December 8, 1902, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimant. The motion, which is in the form of an affidavit, is not supported by any other affidavits; it presents no question of law or fact not heretofore considered, and it is accordingly denied.

A copy of the Indian Office letter is inclosed. The motion and other papers in the case have been sent to the Indian Office for its files.

Respectfully,

E.A.HITCHCOCK

Secretary.

Through the Commissioner  
of Indian Affairs.  
1 inc. and 4 to Ind. Of.

M C R 4385

COPY

Muskogee, Indian Territory, November 10, 1906.

|Cora Lee Hill,

Caddo, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed by you in this office June 25, 1906, for a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

M C R 4385

COPY

Muskogee, Indian Territory, November 10, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed copy of Departmental letter of October 30, 1906, denying a motion filed in this office June 25, 1906, by Cora Lee Hill, for a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

McM 10/3

COPY

Muskogee, Indian Territory, November 10, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office by Cora Lee Hill, June 25, 1906, for a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al. This case includes the following persons:

John Newton Killough,  
Jessie May Killough,  
Marion Esther Rolen,  
Jess Barton,  
Lennie Barton,  
Clydie Barton,  
Jennie Barton,  
Stella Barton,  
Bryan Barton,  
Bra Barton,  
Derotha Barton,  
Oscar Barton,  
Jesse Barton,  
Cora Lee Hill,  
Earnest Wesley Hill,  
Belle Cole.

John Beris Killough,  
Alice White Rolen,  
Vallie Edna Rolen,  
Rufus Barton,  
Willie Barton,  
Walter Barton,  
Henry D. Barton,  
Basil Barton,  
Ruby Barton,  
Albert L. Barton,  
Johnnie Barton,  
James I. Barton,  
Martha Bourne,  
Minnie Florence Hill,  
Kate Barton,

It does not appear that there are now any pending proceedings in the above mentioned consolidated case.

Respectfully,

SIGNED *Tams Bixby.*  
Commissioner.

COPY

Muskogee, Indian Territory, November 10, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 25, 1906, by Cora Lee Hill, for a rehearing of certain applications in the consolidated Mississippi Choctaw case of John Newton Killough, et al. The case includes the following persons:

|                       |                       |
|-----------------------|-----------------------|
| John Newton Killough, | John Beris Killough,  |
| Jessie May Killough,  | Alice White Rolen,    |
| Marion Esther Rolen,  | Vallie Edna Rolen,    |
| Jess Barton,          | Rufus Barton,         |
| Lennie Barton,        | Willie Barton,        |
| Clydie Barton,        | Walter Barton,        |
| Jennie Barton,        | Henry D. Barton,      |
| Stella Barton,        | Basil Barton,         |
| Bryan Barton,         | Ruby Barton,          |
| Era Barton,           | Albert L. Barton,     |
| Dorothea Barton,      | Johnnie Barton,       |
| Oscar Barton,         | James I. Barton,      |
| Jesse Barton,         | Martha Bourne,        |
| Cora Lee Hill,        | Minnie Florence Hill, |
| Earnest Wesley Hill,  | Kate Barton,          |
| Belle Cole.           |                       |

It does not appear that there are now any pending proceedings in the above mentioned consolidated case.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date DEC 18 1931

Name Cora Lee Hill

Age 21 Blood 3/16

Post Office, Caddo I.T.

Father William Marion Barton Dead

Mother Allie Barton ✓

Claims through  
Husband J. L. Hill ✓

Claims for self &amp; 2 Children

Children:

Minnie Florence Hill 4

Earnest Wesley " 5m

Choctaw MCR 4386

Jess Barton

See MCR 3384

MCR 4386



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. December 18, 1901.

4386

In the matter of the application for identification as a  
Mississippi Choctaw of Jess Barton.

Applicant not represented by attorney.

Jess Barton being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Jess, J-e-s-s, Barton.
- Q What is your age? A Forty-one, the 11th day of this February.
- Q How much Choctaw blood do you claim? A I would claim about three sixteenths.
- Q What is your post office address? A Silo, Chickasaw Nation.
- Q How long have you lived in the Indian Territory? A I have been here, why I guess about ten years.
- Q Where did you live before you came to the Indian Territory? A In Texas.
- Q Were you born in Texas? A Born and raised in Kaufman County, Texas.
- Q You have never lived anywhere except in the State of Texas and the Indian Territory? A No sir.
- Q Is your father living? A No sir.
- Q What was his name? A N-u-t-e, Barton.
- Q How old would he be if he were living? A He would be about sixty-four years old.
- Q Where did he die? A In Kaufman County, Texas.
- Q Where was he born? A Mississippi.
- Q When did he move from Mississippi? A I could not say.
- Q Did he ever live anywhere else besides Mississippi and Texas? A Not that I know of.
- Q Is your mother living? A No sir.
- Q What was her name? A Lucy A. Franklin.
- Q How old would your mother be if she were living? A About sixty two years old.
- Q Where did she die? A In Texas.
- Q Where was she born? A In Mississippi.
- Q Lived in Mississippi and Texas only so far as you know? A So far as I know.
- Q Through which one of your parents do you claim your Choctaw blood, father or mother? A My father.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
- Q Did your father ever live in the Indian Territory? A No sir.
- Q Then could he have been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities if he never lived here? A I could not say.
- Q How could he get on the rolls then? A My grandfather was.
- Q I am asking you about your father; was he ever enrolled? A I don't know I heard him say that my grandfather tried to get him to come here and take up land but he did not come.
- Q He did not come? A No sir he stayed in Texas.

- Q Well that is pretty good evidence that he never was enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No answer.
- Q What right have you to believe that your father's name might be on the rolls of the Choctaw Nation in the Indian Territory and put there by the Choctaw tribal authority? A I am not claiming that his name is on there.
- Q I would like to have me give you an answer then? A I don't know that we would have any right to claim.
- Q I am asking you was his name on any of the Choctaw tribal rolls? A No sir.
- Q Were your father and mother legally married? A I suppose so.
- Q When and where were they married? A In Mississippi.
- Q Under a marriage license? A I could not say.
- Q Were they married by a minister or official? A By a minister so I have heard them say.
- Q Have you the marriage license and certificate of the marriage between your father and mother? A No sir I have not.

It will be necessary for you to furnish the Commission with evidence of the marriage between your father and mother. You can furnish either the original marriage license and certificate or a certified copy of the same or in the absence of the records so that you cannot get such certificied copy the Commission will accept the affidavits of parties who were witnesses to this marriage.

- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Delila Barten.
- Q Does she make any claim to Choctaw blood? A No sir.
- Q You make any claim for her? A No sir.
- Q Have you any children for whom you desire to make application? A No sir no children.
- Q Then you claim for yourself only? A Yes sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation Indian Territory? A No sir.
- Q Did you or did any one for you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No sir.
- Q Did you or did any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands, Indian Territory for yourself under the provisions of the fourteenth article of the treaty between the United States and the Choctaw tribe of Indians concluded September twenty-seventh, eighteen hundred and thirty in Mississippi? A Yessir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the twenty-seventh of September eighteen hundred and thirty and was for the purpose of securing

the removal of all the Choctaws from what constituted the old Choctaw Nation to a New Country west of the Mississippi River. At that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama. At the time the treaty was made some of the Choctaws did not want to go to the New Country west of the Mississippi River but preferred to remain in Mississippi and for the benefit of this class of Indians article fourteen was made a part of the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and become a citizen of the States and wanted to accept lands under its provisions he should within six months from the ratification of the treaty, the treaty being ratified on the 24th day of February 1831 go to the government agent in Mississippi and tell him that he wanted to stay in the state and become a citizen of the States and that he wanted to accept lands under the provisions of this fourteenth article; after he did that he was entitled to a reservation of one section of six hundred and forty acres of land, and for each unmarried child in his family over ten years of age he was entitled to one half section of three hundred and twenty acres and for each child under ten years of age he was entitled to one-quarter section of one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parents and this reservation to include any improvements that the head of the family owned at the time of the ratification of the treaty, September twenty seventh, eighteen hundred and thirty. This article also required that in case a Choctaw accepted lands he should reside on these lands for five years after which time the government would give him a title in fee simple and he could then dispose of the land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the State of Mississippi and fully complied with all the provisions of this fourteenth article of the treaty he did not forfeit his rights to citizenship in the Choctaw Nation, Indian Territory but he did forfeit any rights to share in the payment of the Choctaw annuities. Annuities were moneys paid to the Choctaws under treaty provisions by the United States government.

- 44
- Q Do you think you understand the provisions of this article? A I think so.
- Q What is the name of your Choctaw ancestor who resided in Mississippi in eighteen hundred and thirty when this treaty was made? A John Barton.
- Q What relation was John Barton to you? A Grandfather.
- Q Father of your father? A Yes father of Nute Barton.
- Q How much Choctaw blood did John Barton have? A Why I think he claimed three-quarters.
- Q Did John Barton's wife have any Indian blood? A Not that I know.
- Q So far as you knew she was a white woman? A Yes sir.
- Q Then how much Choctaw blood was Nute Barton possessed of? A Why it would make him about three-eighths.
- Q Your mother was a white woman? A Yes sir.
- Q Did this ancestor of yours ever comply or attempt to comply with the provisions of article fourteen of the treaty that I have just read and explained to you? A I don't know.
- Q Was this Choctaw ancestor a recognized member of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did your Choctaw ancestor own any improvements at that time on what constituted the old Choctaw Nation in Mississippi or Alabama? A I don't know sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation, Mississippi or Alabama to the Choctaw Nation, Indian Territory between the years eighteen hundred and thirty-three and eighteen hundred and thirty eight at the time the Choctaws removed from Mississippi to the Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the time this treaty was ratified, that is six months from the 24th day of February 1831 go to the government agent in Mississippi and tell him that they wanted to stay in Mississippi and become citizens of the States and take land under this article of the treaty? A I could not say.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the United States government in Mississippi as benefits under this treaty? A Not that I know of.

In accordance with the provisions of this fourteenth article the government directed an agent in Mississippi to register the names of all the Choctaws who might desire to remain in Mississippi and who wanted to accept lands under this treaty, or under this article of the treaty. The records of the government show that this agent failed to record and report to the government the names of many Indians who really did appear before him and signify their intention of remaining and becoming citizens of the States and taking advantage of the provisions of article fourteen. On this account, in many instances, the Indians lost the land upon which they had improvements and which they desired to have reserved for them under said fourteenth article. It was sold by the government at the public land sales. This action of the government caused many complaints by the Indians and finally these complaints reached Congress and Congress under various acts appointed Commissions which Commission went to the State of Mississippi and investigated a large number of claims. Of the claims allowed by the Commissions if the land which the Indians claimed had not been sold at these public land sales the Indians were put into possession of it; if however the land had been sold the Indians were given scrip in lieu of the land that had been sold. Under this scrip they could locate on any of the public land in the States of Mississippi, Alabama, Arkansas or Louisiana.

- Q Did any of your Choctaw ancestors appear before any of these Commissions and attempt to establish their claims under article fourteen of the treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any of this scrip? A Not that I know of.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits of any kind as Choctaw Indians from the United States government? A No sir.
- Q Have you any witnesses that you want to bring before the Commission at this time that you want to have testify in your case? A None.
- Q Do you know of the existence of any documentary evidence, that is any papers, such as deeds, patents or papers of any kind that would tend to show that your Choctaw ancestor lived in Mississippi in eighteen hundred and thirty and took benefits under this fourteenth article of the treaty of eighteen hundred and thirty? A No sir I have not.
- Q Do you know of any living witnesses who could come before this Commission and testify that your Choctaw ancestor complied with or attempted to comply with this fourteenth article of the treaty of eighteen hundred and thirty? A Not unless it would be grandfather's own children. One is old enough to know something about it may be.
- Q What is the name of this child? A Dan Barton?
- Q What is his post office address? A Terrell, Texas.
- Q What is the other's name? A Bell Cole
- Q Where does she live? A The last account I had of her she was at Abner, Kaufman County, Texas.
- Q What is the name of the other child of your grandfather's? A Dec Barton, the last account I had of him he was at Wynnewood, Indian Territory.
- Q You know his full name? A T. M. is the way he signs his name.
- Q Those people are uncles and aunts of yours? A Yes sir.
- Q You know whether they have ever been before the Commission and applied for identification as Mississippi Choctaws? A No sir.

The records of the Commission examined and the names of these parties not found thereon as applicants for identification as Mississippi Choctaws.

- Q You intend to bring these people before the Commission to testify or get their evidence in some way? A Yes sir.
- Q The Commission will hear their oral testimony at any time you can bring them before it? A Why could we take their affidavit?
- Q The Commission is averse to receiving affidavits but in case you are unable to get these witnesses before the Commission in person the depositions of these persons will be permitted to be filed providing such depositions are taken in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws.
- Q Have you any documentary evidence you want to file with the Commission at this time in support of your application? A No sir.
- Q Then you have no proof in support of your application except your own unsupported statement? A That is all.
- Q You understand the importance of bringing proof in support of the claim you have made? A Yes sir.



It will be necessary also for you to furnish the Commission with evidence of the legal marriage of your grandfather John Barton to your grandmother; the same kind of evidence as is required of your father's marriage.

- Q Do you know Cora Lee Hill? A Yes sir.  
 Q What relation is she to you? A Cousin.  
 Q Do you know Martha Bourne? A Yes sir.  
 Q What relation? A Cousin.  
 Q Do you know Kate Barton? A Yes sir, Cousin.  
 Q Are they the children of William Marion Barton? A Yes sir.  
 Q Their father was a brother of your father? A Yes sir.  
 Q And they get Choctaw blood from the same source that you do John Barton? A Yes sir.  
 Q How have you any brother's and sisters living? A Yes; Yes I have four brothers in Texas.  
 Q Can you give their names please? A Yes sir, Henry D. Barton.  
 Q Is he married and the head of a family? A Yes sir.  
 Q Do you know the names of his children? A I know the name of the oldest one.  
 Q Are these children under twenty-one years of age? A Yes they are little children.  
 Q What is the name of another brother of yours? A Rufus A. Barton.  
 Q Is he a man of a family? A Yes sir.  
 Q Are his children under age? A Yes sir.  
 Q Give the name of your other brothers. A Albert Lee Barton.  
 Q Is he married? A Well he married since I sen him and I don't know wether he has any family besides his wife or not.  
 Q What is the name of the other brother of yours? A James Israel Barton.  
 Q Is he married? A Ya sir but he has no children.  
 Q Have you any sisters? A No sir.  
 Q Any of these people been before the Commission for identification as Mississippi Choctaws? A No sir.  
 Q Is there any further statemnt that you desire to make at this time in support of your application? A No sir.  
 Q Do you speak or understand the Choctaw language? A No sir.

This applicant has black hair and eyes and medium fair complexion. Does not speak or understand the Choctaw language. Has the appearance and physical characteristics of being descended from white parentage. He has no knowledge of compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 18, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

Subscribed and sworn to before me this 31 day of December 1901.

*G. Rosenwinkel*  
*[Signature]*  
 Commissioner.

Miss. Choctaw 4386

Muskogee, Indian Territory, June 5, 1902.

Jess Barton,

Gile, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copies of the affidavits of T. P. Carlisle, Alf Allen, and R. Rice, and certificate of J. L. Rappelee to an extract from page 130 of Volume of American State Papers, which are offered in support of your application for identification as a Mississippi Choctaw, and the same have been filed with the records in this case.

Yours truly,

Acting Chairman.

COPY

Muskogee, Indian Territory, September 3, 1902.

Jess Barton,

Bile, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John Newton Killough, et al., embracing the following applications for identification as Mississippi

Cheetaws:

|                               |             |
|-------------------------------|-------------|
| John Newton Killough, et al., | M.C.R. 3384 |
| Alice White Rolen, et al.,    | " 3385      |
| Jess Barton,                  | " 4386      |
| Rufus Barton, et al.,         | " 5744      |
| Henry D. Barton, et al.,      | " 5745      |
| Albert L. Barton, et al.,     | " 5746      |
| James L. Barton, et al.,      | " 5747      |
| Martha Bourne,                | " 4384      |
| Cora Lee Hill, et al.,        | " 4385      |
| Kate Barton,                  | " 4383      |
| Belle Cole,                   | " 5743.     |

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 496) which is as follows:

\*Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred



J.D. #2.

and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Newton Killough, John Beris Killough, Jessie May Killough, Alice White Rolen, Marion Esther Rolen, Vallie Edna Rolen, Jess Barton, Rufus Barton, Lennie Barton, Willie Barton, Clyde Barton, Walter Barton, Jennie Barton, Henry D. Barton, Stella Barton, Basil Barton, Bryan Barton, Ruby Barton, Era Barton, Albert L. Barton, Derotha Barton, Johnnie Barton, Oscar Barton, James I. Barton, Jesse Barton, Martha Bourne, Cera Lee Hill, Minnie Florence Hill, Earnest Wesley Hill, Kate Barton, and Belle Cole as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

WCHM

*James H. Haby*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

Jess Barton,

Silo, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Newton Killough, et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

CS 2920

Jess Barton

Acting Chairman.

M O R 4386

COPY

Muskogee, Indian Territory, November 10, 1906.

Jess Barton,

Silo, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on October 30, 1906, denied the motion filed in this office June 25, 1906, by Cora Lee Hill, for a rehearing of the applications of certain persons in the consolidated Mississippi Choctaw case of John Newton Killough, et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

Date DEC 18 1901

Name Jess Barton

Age 41 Blood 3/16

Post Office, Silo S. J.

Father: Nate Barton Dead

Mother: Lucy A. Franklin Dead

Claims through Father  
wife Delila Barton  
no claim for wife

Claim for self only

Children:

Stenographer J. Rosenius

Choctaw MCR 4387

James L. Long

See MCR 4251

MCR 4387

Choctaw MCR 4387

James L. Long

See MCR 4251

MCR 4387

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. December 18, 1901.

4387

In the matter of the application for identification as Mississippi Choctaws of James L. Long for himself and his three minor children, Eva, Emma and James F. Long.

Applicants not represented by attorney.

James L. Long being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James L. Long.  
Q How old are you? A Thirty-nine.  
Q How much Choctaw blood do you claim? A From what I have been told about one-eighth.  
Q What is your post office address? A Lexington, Oklahoma.  
Q How long have you lived there? A Eleven years.  
Q Where did you live prior to that time? A In Texas.  
Q Were you born in Texas? A Born and raised in Mississippi until I was twenty-three years old.  
Q Then you moved to Texas? A Yes sir.  
Q And from Texas to Oklahoma? A Yes sir.  
Q Is your father living? A No sir.  
Q What was your father's name? A John J. Long.  
Q How old would your father be if he were living now? A About eighty-seven.  
Q Is your mother living? A No sir.  
Q What was your mother's name? Before she was married, Martha A. Howerton.  
Q That was her name before she married your father? A Yes sir.  
Q How old would your mother be if she were living now? A Let me see---she was born in 1821 that would make her eighty-one I reckon, would it not.  
Q She would be about eighty-one if she were living at the present time? A Yes sir.  
Q Which one of your parents do you claim your Choctaw blood through? A Father.  
Q Where was your father born? A I don't know.  
Q Did he ever live in Mississippi? A Yes sir.  
Q How long did he live there? A I don't know.  
Q You know what years he lived there? A Well he lived there when I was born and I suppose a good while before that and died in Eighty-one.  
Q Where did he die? A In Mississippi.  
Q You don't know where he was born though? A No sir I don't  
Q Don't know whether he was born in Mississippi or not? A I don't know, I think he was probably born in Alabama. Of course I don't know, I was just a boy when he died.  
Q Were your father and mother legally married? A Yes sir.  
Q Were they married under a license? A I suppose so but I have no record of their marriage.  
Q Were they married by a minister or official? A I don't know.  
Q Have you evidence of the marriage of your father and mother? A No sir.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of your father and mother.

- Q Are you married? A Yes sir.  
 Q What is the name of your wife? A Deborah A. Claunch, before she was married.  
 Q She is living is she? A Yes sir.  
 Q Does your wife claim any Choctaw Indian blood? A No sir.  
 Q You make any claim for her? A No sir.  
 Q Have you any children for whom you desire to make application at this time? A Yes sir.  
 Q Give their names and ages please? A

Eva, four years old.

Emma, two years old.

James F., seven months old.

- Q Then you make application for yourself and your three minor children? A Yes sir.  
 Q Have you evidence of the marriage of yourself and wife? A Not with me but at home.

It will be necessary that you furnish the Commission with legal evidence of the marriage of yourself to your wife in support of the application you make for your minor children.

- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I don't know.  
 Q Well you say your father died in Mississippi? A Yes sir.  
 Q I asked you the question if he had ever been recognized by the Choctaw tribal authorities or the authorities of the United States, in the Indian Territory as a member of the Choctaw tribe of Indians? A No sir.  
 Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir I suppose not.  
 Q This children that you have given in as your children are the children of yourself and Deborah A. Long? A Yes sir.  
 Q Living with you? A Yes sir.  
 Q Get their Choctaw blood from the same source you do? A Yes sir.  
 Q Did you or did any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as member of that tribe? A No sir.  
 Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir not that I know of.  
 Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
 Q Have you ever made application prior to this time for yourself or any of your three minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.  
 Q Do you appear before the Commission at this time to make application for yourself and your three minor children, claiming rights in the Choctaw lands, Indian Territory, under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians in Mississippi in eighteen hundred and thirty? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians on the twenty-seventh day of September eighteen hundred and thirty at a place called Dancing Rabbit Creek. At the time the treaty was made the Choctaws occupied a portion of the State of Mississippi and a small.



portion of the State of Alabama, along the Western boundry line. The object of the treaty was to secure the removal of the Choctaws from what constituted the old Choctaw Nation in Mississippi and Alabama to a New Country West of the Mississippi River. At the time the treaty was made some of the Choctaws were unwilling to remove to the New Choctaw Nation but preferred to remain in what constituted the old Choctaw Nation in Mississippi and Alabama and for the benefit of this class of Indians the fourteenth article was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation and become a citizen of the States and take lands under its provisions, that said Choctaw should go before the government agent and signify to him that is let him know in some way that he intended so to do, that is remain in the old Choctaw Nation and become a citizen of the States and accept benefits under said article. This treaty was ratified on the 24th day of February 1831. Now after a Choctaw had signified his intention to remain in the States and accept benefits he was then entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family over ten years of age and unmarried he entitled to one half that quantity or three hundred and twenty acres of land and one quarter section for each child in his family under ten years of age; to adjoin the reservation of the parent and this reservation to include any improvements the head of the family owned on the twenty-seventh day of September 1830. This article also required that after a Choctaw had accepted lands he should reside upon the same for a period of five years after which time a title would be given him by the government, in fee simple which would enable him to dispose of this land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw Nation in Mississippi or Alabama and complied with all the requirements of this article by taking land and residing thereon for five years he would not forfeit his rights to citizenship in the New Choctaw Nation, Indian Territory but would forfeit any rights to the Choctaw annuities. Annuities were moneys paid to the Choctaw tribe of Indians under treaty provisions by the United States government.

- Q You think you understand that article? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in Mississippi in eighteen hundred and thirty? A Samuel Long.
- Q What relation was Samuel Long to you? A My grandfather.
- Q Was Samuel Long the father of your father John J. Long? A Yes that is what my father told me.
- Q How much Choctaw blood did Samuel Long have? A I don't know.
- Q How much Choctaw blood was your father John J. Long possessed of? A I have been told that he was about one-quarter.
- Q Was your mother a white woman? A Yes sir.
- Q Was your grandmother a white woman? A I don't know but I suppose so.
- Q Then you don't know how much Choctaw blood your ancestor through whom you claim was possessed of? A No sir.
- Q Was Samuel Long a recognized member of the Choctaw tribe of Indians in eighteen hundred and thirty at the time this treaty was made? A I don't know.
- Q Was he living in Mississippi or Alabama at the time this treaty was made, September twenty-seventh, eighteen hundred and thirty? A I have been told he was.
- Q You have no proof of that fact? A I don't know that I have.
- Q Did Samuel Long ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of eighteen hundred and thirty? A I don't know.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with any of the provisions of article fourteen of the treaty of eighteen hundred and thirty? A I don't know whether I just exactly understand the question. I don't know anything about this it was a long time before I was born.
- Q Well I will explain to you this question. I want to know whether any of your Choctaw ancestors ever complied with the provisions of the fourteenth article of this treaty, did they within six months after the ratification of the treaty go to the government agent in Mississippi and tell him that they wanted to stay there in the old Choctaw Nation and accept land under this article and did they accept land as Choctaw Indians? A I have been told that they did.
- Q Who told you? A My father.
- Q That your ancestors took land as Choctaw Indians? A Yes sir.
- Q Is there any proof in existence of that fact? A I suppose it is on the old record.
- Q What records do you refer to? A I have a paper here, I can tell you by reading that; the Notary's statement of it where he found in on the records.

Applicant submits the affidavit of Mary Ann Denton, Tobias Edwards and James I. Denton and the certificate of J. L. Rappelee, Notary Public of the Central District, Indian Territory. Said J. L. Rappelee, Notary Public, certifies under his official seal as follows: "I J. L. Rappelee, a Notary Public in and for the Central District of the Indian Territory, do hereby certify that I have this date examined volume VII of the American State Papers and find on page 90, of said book the name of Samuel Long, who had one hundred and twenty acres of land in cultivation and the entire number of his family was seven; males over 16, one, males and females under 10 three, his residence was on Black Creek, total number of acres 960, provided for in supplement of one and one-half section. This certificate dated 30th day of November 1901.

- Q What proof have you that the Samuel Long named in this affidavit is the identical Samuel Long from whom you claim descent? A Nothing more than that my father always told me that his father's name was Samuel Long.
- Q That is all you know about it? A Yes sir that is all.

- Q Is there in your family among your family record or documents any papers or any kind that would tend to show that Samuel Long through whom you claim descent received land from the government of the United States? A I don't know.
- Q You never seen any such papers in your family? A No sir.
- Q Did you ever hear of any such papers? A No sir.
- Q Then you don't know that this Samuel Long through whom you claim descent is the same Samuel Long mentioned in this certificate? A No sir.
- Q Is there any way you can get evidence to show that this Samuel Long mentioned in this certificate is the same Samuel Long through whom you claim descent? A I don't know, if there is any way that I can get it or not.
- Q Do you know James I. Denton? A Yes sir.
- Q What relation was he to you? A He married a sister of mine.
- Q How old is he? A I suppose about fifty-eight.
- Q Was he acquainted with your grandfather Samuel Long? A I don't reckon he was.
- Q Then all he can testify to is the relationship existing between himself and your wife and his family? A Yes sir.
- Q He has no knowledge of compliance on the part of your ancestors with this article fourteen? A I don't suppose he has.
- Q He has not testified to anything of this kind. He merely testifies to the relationship existing between your family and his and yourself and his wife are children of John J. Long? A Yes sir.
- Q Do you know Tobias Edwards? A No sir.
- Q You never knew him? A No sir.
- Q How did he happen to testify in your case? A My sister had it done.
- Q Is your sister older or younger than you? A Older.
- Q Does she know Tobias Edwards? A I don't know I suppose she does.
- Q Now Tobias Edwards here testifies that Samuel Long come to the Choctaw Nation and died here; is this the same Samuel Long that you claim to be your grandfather? A Yes sir.
- Q Did he move from Mississippi to the Indian Territory? A I don't know that was all before I was born, I don't know about it.
- Q Do you know when if ever your grandfather Samuel Long moved from the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation Indian Territory? A No sir.
- Q Have you ever heard from your father or your family history that your grandfather Samuel Long moved from the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation Indian Territory? A I don't recollect that I ever did.
- Q Then so far as you know none of your Choctaw ancestors moved from the old Choctaw Nation Mississippi or Alabama to the Choctaw Nation Indian Territory? A No sir I don't know.
- Q Where did this grandfather of yours die? A I don't know, I have been told that he died in the Choctaw Nation.
- Q Were you ever told when he moved to the Choctaw Nation? A No sir.
- Q You have no idea what time, what year he moved to the Choctaw Nation? A No sir.
- Q But it is your family history that he did move to the Choctaw Nation? A Yes sir.
- Q Does your family history tell you what year he died in the Choctaw Nation? A No sir not that I remember of.
- Q By the Choctaw Nation you mean the Choctaw Nation, Indian Territory? A Yes sir.
- Q He came to the New Choctaw Nation Indian Territory and died here? A Yes sir.
- Q That he did not die in the old Choctaw Nation in Mississippi? A No sir he did not die there from what I have been told.
- Q Now this Tobias Edwards also testifies that his son John J. Long remained in the State of Mississippi and never came here; that is true is it? A Yes sir that is true.

- Q You have testified that your father would be eighty-seven years of age consequently he would have been about sixteen years of age when this treaty was made on the 27th day of September eighteen hundred and thirty? A Yes sir.
- Q Therefore your father was not married and the head of a family when this treaty was made? A I suppose not.
- Q But your family history tells you that your father was not married at the age of sixteen? A Yes sir.
- Q And you have testified also that you have no evidence of the legal marriage of your father and mother and therefore you don't know what date they were married? A No sir I don't.
- Q You have no other evidence of the compliance on the part of your ancestors with the provisions of the treaty of 1830, other than what you have submitted here? A No sir.

Volume VII of the American State Papers shows the following:

No.3 Form of A return, names of Indians owning farms, Samuel Long, as having 120 acres of cultivated land, entire number of the family seven, males over sixteen years of age, one, males and females under ten years, three. Locality of farm, Black Creek his residence, total number of acres, 960 provided for in supplement of one, one-half sections.

Under the provisions of this fourteenth article that I have just read and explained to you the government of the United States directed an agent in Mississippi to register the names of those Choctaws who desired to remain in the old Choctaw Nation in Mississippi and Alabama and become citizens of the States and who wanted to take lands under its provisions. The records of the government show that this agent failed to record and report to the government the names of many Choctaws who really did signify to him their intention of remaining and taking advantage of the provisions of this fourteenth article. On this account in many instances the land upon which the Choctaws resided and upon which they had improvements was sold by the government at the public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commission to go to the State of Mississippi and investigate these claims. These Commissions investigated a great number of claims, some they allowed and some they rejected. Of the claims allowed by the Commissions if the land which the Indians claimed had not already been sold it was given to them, if the land had been sold the Indians were given scrip in lieu of the land which they had proven rights to. Under this scrip they could locate on vacant government lands in Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors ever appear before any of these Commissions and attempt to establish any claims to land under article fourteen of the treaty? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any scrip as Choctaw Indians from any of these Commissions on account of lands which they had proven a right to? A I don't know.
- Q Do you know of the existence of any records that would tend to show that any of your Choctaw ancestors ever received land from the United States government as benefits for Choctaw Indians? A No more than what I have presented there.
- Q You have no proof that this Samuel Long who this man Rappelee certifies to as to his name appearing in Vol. VII, American State Papers is the same Samuel Long from whom you claim descent? A No more than what these witnesses have testified to.

Q

- Q These affidavits do not show that this Samuel Long was your grandfather. They show that one Samuel Long appears on record as having received certain lands from the United States government and that his name appears in Vol. VII. American State Papers now it devolves upon you to bear out the fact that this Samuel Long, mentioned in these papers is your grandfather. Now what became of this land that he got in Mississippi from the government. What did he do with it? A I don't know.
- Q The record in Vol. VII American State Papers page, 90 shows that the Samuel Long who received land from the United States government was provided for in the supplement of the treaty of eighteen hundred and thirty and that one Samuel Long is specifically named in article two of said supplement as being entitled to one and one half sections of land. The supplement of the treaty of 1830 shows that one Samuel Long was given one and one half sections of land by the United States government at the request of the Choctaw Nation with the proviso that such beneficiary should have no interest on the reservation and which was directed and provided for in the general treaty. Now you have stated in your testimony that you claim your right as the descendant of a Mississippi Choctaw under the provisions of the fourteenth article of this treaty. Have you any evidence to show that the ancestor through whom you claim, Samuel Long complied with or attempted to comply with the provisions of the fourteenth article of this treaty of eighteen hundred and thirty? A No sir I have not.
- Q Do you know of the existence of any documentary evidence that would tend to show that this ancestor of yours Samuel Long ever complied with or attempted to comply with any of the provisions of this article? A No sir.
- Q Have you any evidence to show that Samuel Long who was provided for in the supplement of the treaty of eighteen hundred and thirty is the same Samuel Long through whom you claim Indian descent? A Nothing more than what I have presented.
- Q The evidence you have presented does not show that you are a descendant of the Samuel Long whose name appears on page ninety of the American State Papers; can you produce evidence that you are a descendant of his? A No sir.
- Q Then all the evidence you have in your case is the oral statement you have made and these affidavits that you have testified about? A Yes sir.
- Q Is there any further statement that you want to make? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Do you know of any members of your family who have been before the Commission for identification as Mississippi Choctaws? A Yes sir.
- Q Will you give me the names of some of them? A Yes sir, Mary Ann Denton, Robert V. Long, Alice McDonald.
- Q What relation are these people to you? A Mary Ann Denton is my sister, Robert V. Long is my brother, and Alice McDonald is my niece.
- Q These people derive their Choctaw blood from the same source that you do? A Yes sir.
- Q You desire to have their cases considered with yours and the evidence in their cases considered as evidence in your case? A Yes sir.
- Q Do you claim that the Samuel Long who is mentioned in the supplement of the treaty of eighteen hundred and thirty is your grandfather? A Yes sir.
- Q Do you intend to submit proof of that fact to the Commission? A Yes I will try to.
- Q But you don't know what that proof is at the present time do you? A No sir.

This applicant has light brown hair, fair complected, gray blue eyes. Does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of the fourteen article of the treaty of eighteen hundred and thirty but claims through Samuel Long who is provided for in the supplement of said treaty in article II.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 18th 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of December 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 21 day of December 1901.

*[Signature]*

Commissioner.

COPY.

Muskogee, Indian Territory, September 3, 1902.

James L. Long,

Lexington, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ann Denton, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |             |
|-----------------------------|-------------|
| Mary Ann Denton, et al.,    | E.C.R. 4251 |
| Anna Brown, et al.,         | " 4256      |
| Flah Finucane,              | " 4260      |
| Iuna Knight, et al.,        | " 4264      |
| Beula Kendrick,             | " 4266      |
| Eugenia Brooks, et al.,     | " 4255      |
| Troy Knight, et al.,        | " 4266      |
| Andrew J. Denton, et al.,   | " 4268      |
| Pearl Strickland, et al.,   | " 4262      |
| Mila Shaw, et al.,          | " 4257      |
| Alice McDonald, et al.,     | " 4259      |
| William C. Francis, et al., | " 4263      |
| Joseph Cowan,               | " 4457      |
| Robert V. Long, et al.,     | " 4263      |
| James L. Long, et al.,      | " 4387      |

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw



J L L

lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ann Denton, William F. Denton, Emma Brown, John Lee Brown, Mary A. Brown, Finis A. Brown, William M. Brown, Eula B. Brown, James H. Brown, Ola P. Brown, Jessie Brown, Winnie M. Brown, Ilah Finucane, Iuna Knight, Bucl Knight, Bruce Knight, Bood Knight, Bowie Knight, Barnie Knight, Banner Knight, Beula Kendrick, Eugenia Brooks, Hollis Brooks, Ellis I. Brooks, Minnie E. Brooks, Moses C. Brooks, Effie Pearl Brooks, William A. Brooks, Major M. Brooks, Loice Brooks, Carrie Brooks, Trey Knight, Minnie Knight, Johnnie Knight, Cora Knight, Andrew J. Denton, Vernie L. Denton, Walter R. Denton, Pearl Strickland, Alta Strickland, Ella Shaw, Mercer H. Shaw, Alice McDonald, Willie McDonald, Iunia McDonald, Charlie M. McDonald, William C. Francis, Myrtle Francis, Joseph Cowan, Robert V. Long, Jimmie L. Long, Thomas F. Long, Zelma O. Long, Orville Platt Long, James L. Long, Eva Long, Emma Long, and James F. Long as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNET)

*Tamm Dixie.*

Acting Chairman.

Registered.



COPY.

Muskogee, Indian Territory, February 14, 1903.

James L. Long,

Lexington, Oklahoma.

Dear Sir:

You are hereby notified that on the 4th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary Ann Denton, et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED).

*Tams Bixby.*

Acting Chairman.

Muskogee, Indian Territory, March 2th, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Mary Ann Denton, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of September 3, 1902, adverse to the applicants, was, on September 3, 1902, forwarded to the Department.

On February 4, 1903, the Department approved the decision of said Commission in this case, and on February 14, 1903, the several applicants were duly notified of such Departmental action.

On March 7, 1906, this office received from Robert V. Long, of Sulphur, Indian Territory, a petition signed Mary Ann Denton, Robert V. Long, and James L. Long, praying for a rehearing in the consolidated Mississippi Choctaw case of Mary Ann Denton, et al. The same is herewith transmitted for the consideration of the Department.

The petition does not show proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.

M C R 4261

M C R 4387

Muskogee, Indian Territory, July 19, 1906.

James L. Long,

Lexington, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letters of July 5th and 11th, asking that certain land be set aside as your prospective allotment pending final disposition of the consolidated Mississippi Choctaw case of Mary Ann Denton, et al., and enclosing applications for the enrollment of your minor children, Edgar E. and Nancy Deberah Long, as citizens of the Choctaw Nation under the Act of Congress approved April 26, 1906.

In reply you are informed that this office can not make the reservation requested by you unless specifically directed to do so by the Secretary of the Interior.

Respectfully,

Commissioner.

E.W.H.

DEPARTMENT OF THE INTERIOR,

LLB.

WASHINGTON.

I.T.D. 8347,8973.  
9245,10069-1906.

August 23, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There are inclosed herewith letters dated July 5, July 17, July 23, and August 9, 1906, from E. H. Knight, Mrs. Emma Brown, James L. Long, and R. E. Knight, respectively, relative to the selection of lands for themselves and children pending the determination of their citizenship rights. These persons claim to be parties applicant in the Mississippi Choctaw case of Mary Ann Denton et al., which was the subject of departmental letter of May 8, 1906 (I.T.D. 7236-1906), wherein you were advised concerning the selection of lands by Robert V. Long, such selection to be tentative pending final action in said citizenship case.

You are directed to take similar action concerning the parties whose letters are transmitted herewith.

Respectfully,

Jesse E. Wilson  
Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

4 inclosures.

M C R 4387

Muskogee, Indian Territory, September 5, 1906.

James L. Long,

Lexington, Oklahoma.

Dear Sir:

The Choctaw and Chickasaw Land Offices have this day been instructed to permit you, in person or by petition, to designate as the prospective allotments of yourself and children who are applicants for identification as Mississippi Choctaws, the lands upon which you are the actual owners of improvements and which you and your children, in the event you are identified as such Mississippi Choctaws, anticipate selecting as your allottable interest in the lands of the Choctaw-Chickasaw country.

Respectfully,

Acting Commissioner.

M. C. R.-4387

Muskegee, Indian Territory, January 10, 1907.

James L. Long,  
Lexington, Oklahoma.

Dear Sir:

You are hereby notified that the Secretary of the Interior on December 28, 1906, denied a petition filed with this office June 14, 1906, by Robert V. Long, of Sulphur, Indian Territory, for a rehearing of the consolidated Mississippi Choctaw case of Mary Ann Denton, et al.

Respectfully,

Commissioner.

## For Identification as a Mississippi Choctaw.

Date DEC 18 1901

Name James L. Long

Age 39 Blood 1/8

Post Office, Lexington, Oklahoma.

Father: John J. Long Mrs

Mother: Martha A. Howerton Mrs

Claims through Father  
 wife Deborah A. Long  
 nee Claunch no claim for wife

Claim for self &amp; 3 Children

Children:

|         |      |     |
|---------|------|-----|
| Eva     | Long | 4   |
| Emma    | "    | 2   |
| James J | "    | 7 m |

Stenographer

G. Rosenwinkel

Choctaw MCR 4388

Aaron R. Beam

See MCR 1085

MCR 4388



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. December 18, 1901.

4388

In the matter of the application of Aaron R. Beam for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Aaron R. Beam being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Aaron R. Beam.  
Q How old are you? A Sixty-three.  
Q How much Choctaw blood do you claim to possess? A Well I believe about one-fourth.  
Q What is your post-office address? A Waco, North Carolina.  
Q How long have you lived in Waco, North Carolina? A About all my life.  
Q Born in the State of North Carolina? A Yes sir.  
Q Never lived in any other state? A No sir.  
Q Ever live in Mississippi? A No sir.  
Q Is your father living? A No sir.  
Q How old would your father be if he were living? A He would be about one-hundred and thirteen if he was living.  
Q What was your father's name? A Peter Beam.  
Q Is your mother living? A No sir.  
Q How old would she be if she were living? A I suppose near one hundred, I don't know exactly.  
Q What was your mother's name? A Annie Long before her marriage.  
Q Annie Beam was her name after marriage? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? I claim through my mother and father both. My grandfather Long had Indian blood in him.  
Q When and where were your father and mother married? A In Lincoln County, North Carolina.  
Q Were they married under a license? A Yes sir.  
Q By a minister or official? A I can't tell but they were married according to the laws of the State.  
Q Have you any evidence of the legal marriage of your father and mother with you? A The certificate would corroborate the marriage I suppose, let me see if I have it. Here is an affidavit of a man that knew my father and mother both.  
Q I want any evidence that you may have of the marriage of your father and mother? A I have none only my own self.

It will be necessary for you to furnish the Commission with evidence of the marriage of your father and mother. You can file either the original marriage license and certificate or certified copies of the same or in case such evidence cannot be procured the affidavits of people who knew your father and mother, saw them married will be accepted by the Commission. A reasonable time will be granted you to furnish this evidence.

- Q A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Alice T. Beam.  
Q Does she make any claim to Choctaw Indian blood? A No sir.

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- Q You make any claim for her? A No sir.
- Q Have you any children unmarried and under the age of twenty-one for whom you desire to make application? A No sir.
- Q Then you make this application for yourself alone? A Yes sir.
- Q Have your father and mother ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States Authorities? A They never was enrolled themselves.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A That is myself.
- Q Yes sir? A No sir.
- Q Did you or did any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or did any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September twenty-seventh, eighteen hundred and thirty at Dancing Rabbit Creek in Mississippi? A Yes sir.

This treaty was entered into on the twenty-seventh day of September eighteen hundred and thirty between the United States government and the Choctaw tribe of Indians. At that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama lying along the Western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them, in the old Choctaw Nation in Mississippi and Alabama to a new Country West of the Mississippi River. At the time the treaty was made some of the Choctaws did not want to go to this new Country but preferred to remain in what constituted the old Choctaw Nation and for the benefit of this class of Indians this fourteenth article was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and receive land under its provisions he should within six months after it was ratified, the treaty being ratified on the 24th day of February 1831, signify his intention to the agent, that is he must tell the agent in some way that he desired to remain in the State and take advantage of the provisions of this article, become a citizen of the States and receive land under the provisions of this article, he was then entitled to one section of six hundred and forty acres land to be bounded by sectional lines of survey and for each child in his family over ten years of age and unmarried he was entitled to one half section of land or three hundred and twenty acres and for each child under ten years of age he was entitled one quarter section or one hundred and sixty acres, the reservation of the children to adjoin the reservation of the parents and this reservation to include any improvements of the head of the family, that is improvements the head of the family owned on the twenty-seventh day of September 1830 at the time the treaty was concluded. This article also required that in case a Choctaw received land and benefits under it he was required to reside upon said land for five years after which time the government gave him a title in fee simple, permitting to dispose of the land at his pleasure. The last clause of this article provided that "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that a Choctaw who remained in Mississippi and fully complied with all the provisions of this fourteenth article by accepting land and residing upon this land for a term of five years, would not forfeit his right to citizenship in the new Choctaw Nation Indian Territory but did forfeit any right he might have to any portion of the Choctaw annuities. Annuities were moneys paid to the Choctaw tribe of Indians under treaty provisions.

- Q Do you think you understand that article? A I think I understand it pretty well. I think my ancestors owned land in this Mississippi Reservation but I can't tell in what part it was. My ancestors moved from North Carolina to Mississippi when the Indians left North Carolina, I am satisfied of that. I have papers my ancestors all left North Carolina. My great grandfather Aaron Rudelf, I think he moved there under the treaty of 1806 and after that of course we lost track of them. We had a letter from them showing that they were still there in 1818.
- Q Well my question to you was did you understand all the provisions and requirements of the fourteenth article as I have explained them to you and do you make your claim under that article? A Yes I make it under that article.
- Q Now what was the name of your Choctaw ancestor who resided in Mississippi in eighteen hundred and thirty on the twenty-seventh day of September at the time this treaty was concluded? A Do you mean any of my ancestors?
- Q The ancestor through whom you claim your rights to share in the lands of the Choctaw Nation, Indian Territory, under this fourteenth article? A I claim that the Rudelf family remained in Mississippi and a part of the Long family.
- Q Did they reside in Mississippi in eighteen hundred and thirty when this treaty was concluded? A They must have been there.
- Q You have no proof of that? A Only that we lost sight of them in 1818.
- Q Then you can't give the name of the ancestor who did live in Mississippi in 1830? A Yes I can give you Michael Beam, he was a grandson of Rudelf.
- Q What relation was he to you? A My uncle.

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- Q You can't claim through your uncle. Who did your father claim his Choctaw blood through? A He claimed through Elizabeth Rudelf, the daughter of Aaron Rudelf.
- Q What was Elizabeth Rudelf's married name? A She married John Teter Beam who was my grandfather.
- Q Which one of your mother's ancestors lived in Mississippi in 1830 at the time this treaty was concluded? A My mother?
- Q Your mother's ancestors; which one of her parents lived in Mississippi in eighteen hundred and thirty? A Her mother died there, no her mother died before that, but her sisters lived there in 1830.
- Q What was her mother's name? A Her mother's name was Annie Long. Now, will you allow me to ask you something?
- Q You will get to talking about something that I don't want to know anything about; I asked you which one of your mother's ancestors lived in Mississippi in 1830? A One of her sisters.
- Q Who did your mother derive her Choctaw blood from? A John, no Henry Long.
- Q Now which one was it; John or Henry? A John Long.
- Q What relation was your mother Annie Long to John Long? A She was his daughter.
- Q How much Choctaw blood did John Long possess? A I suppose he was one quarter.
- Q How much Choctaw blood did your grandfather possess, John Teter Beam? A He married a one-half blood Choctaw Indian Elizabeth Rudelf.
- Q Were your father and mother married and the head of a family in 1830? A Yes sir.
- Q Were they residing in Mississippi at that time? A No sir they was not.
- Q Where did they live at that time? A In North Carolina.
- Q In North Carolina? A Yes sir.
- Q Your father and mother; did they ever comply with or attempt to comply with any of the provisions of this fourteenth article? A I am under the impression that they did; my father's brother went there and tried to find his grandfather Rudelf and it was always handed down to me that he stayed there and died there and tried to hunt up the Rudelf family.
- Q But you have no evidence that he attempted to comply with this fourteenth article? A Yes sir.
- Q Your mother and father? A No.
- Q Well the fourteenth article says "Each Choctaw head of a family"? A Well my father did not go.
- Q Your father and mother were not living in Mississippi at that time? A No sir.
- Q But they were married and the head of a family in 1830? A Yes sir.
- Q And resided in the State of North Carolina at that time? A Yes sir.
- Q Did your father and mother ever receive any land from the government of the United States as Choctaw Indians? A No sir.
- Q Did your father and mother ever own an improvement on what constituted the old Choctaw Nation in Mississippi or Alabama at the time this treaty was concluded, September twenty-seventh, 1830; did they own any improvements on land, that is had fences and houses on it? A They did not themselves.

In accordance with the provisions of this fourteenth article the government directed an agent in Mississippi to register the names of all the Choctaws who desired to remain in Mississippi or Alabama and become citizens of the States. The records of the government show that this agent failed to register the names of a great number of Choctaws who really did go before him and signify their intention to remain in the State and claim benefits

under this article. On this account in many instances the lands upon which the Indians had improvements and which they desired reserved for them was sold at the public land sales of the government. This caused a great many complaints by the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to the State of Mississippi and investigate these claims. These Commissions investigated a number of claims and if the land had not been sold the Indians were put into possession of it if the land had been sold the Indians were given scrip under which they could locate on vacant public lands in Mississippi, Arkansas, Louisiana or Alabama.

- Q Did your mother and father who you say were married and the head of a family in 1830 ever appear before any of these Commissions and attempt to establish their right to lands under this fourteenth article? A I don't suppose they did they never had any chance to do it.
- Q Did either your mother or father ever receive any scrip from these Commissions which entitled them to locate on public lands in Mississippi, Alabama Louisiana or Arkansas? A Not at that time.
- Q Did they at any time? A No that I know of.
- Q So far as you know did any of your ancestors ever receive any benefits as Choctaw Indians? A No sir.
- Q Have you any witnesses that you can bring before the Commission to day who could give testimony that would tend to show that your father and mother, who were married and the head of a family in eighteen hundred and thirty complied with the provisions of this fourteenth article? A I don't suppose I have.
- Q Have you any documentary evidence, any written evidence of any kind, such as deeds or patents to lands that would tend to show that your father or mother ever received any land from the United States government as beneficiaries under this fourteenth article? A Grandfather Leng's will here will show that he had land in Alabama which was a part of this reservation in 1819 or 1822 and that he moved a part of his family to this reservation and then went back to North Carolina.
- Q Any rights that you might inherit under this fourteenth article under which you are making your claim to share in the lands of the Choctaw Nation, Indian Territory would be through your father and mother who were married and the head of a family in eighteen hundred and thirty? A Yes sir.
- Q So you don't know then of the existence of any documentary evidence that would tend to show that your father or mother ever received any lands under this fourteenth article? A No sir they never received any benefit of it, I am certain of that.
- Q Is there any written evidence that you desire to offer at this time in support of your claim? A Well I would like to show this; that is my own doings and then here is another affidavit that might be-----

The applicant here submits his sworn statement which is filed and marked exhibit "A" and made a part of the record in this case.

- Q This affidavit is valuable only in so much that it shows the line of descent claimed by you. It is not valuable as evidence of compliance on the part of your father or mother who, under the provisions of the fourteenth article, you must claim through as having complied with the provisions of said article.

The applicant also submits the affidavit of Elizabeth Sarah Barrett tending to prove the Indian descent claimed by him; the same is marked exhibit "B" filed and made a part of the record

in this case.

- Q Is there any further statement you desire to make at this time?  
 A I don't know that there is. I have a nephew that I would like to bring in this evening; would it do to bring him in the morning?  
 Q Yes sir the Commission's office will be open in the morning and we will hear applications for identification as Mississippi Choctaws.  
 Q Have you any relatives who have applied for identification as Mississippi Choctaws? A none but my cousin.  
 Q What is his name? A Dr. R. F. Beam.  
 Q R. F. Beam's father and your father brothers? A Yes sir.

Reference is here made to M. C. R. 1085 Rufus F. Beam et al.

- Q What is it you desire to say, something about some minor children? A These minor children are the children of Dr. Beams child here and she is a helpless widow and she wishes me to get the children in.  
 Q Both of the parents of these children living? A No sir the father is dead, their mother is a cripple.  
 Q The only way that I know that you can make application for the children is by being appointed their guardian. You have brought no authority of any kind to show that you are authorized to make this application? A No but I thought we could send that later on.

The Commission decides that in the absence of legal proof of the control of these children by you, the application in their behalf cannot be heard.

- Q Do you speak or understand the Choctaw language? A Can I?  
 Q Yes? A No sir.

This applicant has hair almost entirely gray, apparently at one time dark brown, grayish blue eyes, medium fair complexion. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 18, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 18, 1901.

Subscribed and sworn to before me this 21 day of December 1901.

*G. Rosenwinkel*  
*[Signature]*

Commissioner.



Washoe, Indian Territory, May 30, 1902.

Aaron R. Beam,

Waco, North Carolina.

Dear Sir:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rufus P. Beam, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |            |
|-------------------------|------------|
| Rufus P. Beam, et al.,  | M C R 1085 |
| Minnie Teddlie, et al., | M C R 1086 |
| Joshua P. Beam, et al., | M C R 1087 |
| Rufus L. Beam,          | M C R 1088 |
| Aaron R. Beam,          | M C R 4388 |
| David C. Beam, et al.,  | M C R 4390 |
| Fluella Frost, et al.,  | M C R 1740 |
| Eliza Calhoun,          | M C R 3446 |

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

A E B-2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rufus F. Beam, Lettie Beam, Myrtle May Karber, Mittie Mabel Karber, Charlie Beam, Eddie Beam, Bennie Beam, Minnie Teddlie, Homer Teddlie, Pauline Teddlie, Minnie Teddlie, John F. Teddlie, Jr., Joshua P. Beam, Charles Rufus Beam, Joshua Philip Beam, Rufus L. Beam, Aaron H. Beam, David O. Beam, Mary Elizabeth Beam, Fluelia Frost, Beatrice Frost, Willie Frost, Fred Frost and Eliza Calhoun as Choctaw Indians, entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.



COPY.

M.C.R. 4385

Waskogee, Indian Territory, July 2, 1902.

Aaron R. Bean,

Waco, North Carolina.

Dear Sir:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Rufus F. Bean, et al., of which decision you were advised by registered mail on the 20th day of May, 1902.

Yours truly,

Commissioner in Charge.

M C R 1087  
M C R 1086  
M C R 4388

Muskogee, Indian Territory, September 28, 1903.

A. B. Johnson,

1818 Mill Street,

Spokane, Washington.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask to be advised relative to the Mississippi Choctaw claims of R. F. Beam, Joshua Beam and Aaron Beam.

In reply you are informed that it appears from our records that on June 21, 1902, the Secretary of the Interior approved the decision of the Commission refusing the several applicants in the consolidated Mississippi Choctaw case of Rufus F. Beam, et al., of which the applications of Aaron R. Beam and Joshua P. Beam are a part. The several applicants were duly notified of such departmental action on July 2, 1902.

The Commission now considers this case closed.

Respectfully,

Chairman.

## For Identification as a Mississippi Choctaw.

Date

DEC 18 1901

Name

Aaron R. Beam

Age

63

Blood

1/4

Post Office,

Waco North Carolina

Father:

Peter Beam Dead

Mother:

Fannie Long Dead

Claims through

both parents

wife

Alice J. Beam

no claim for wife ✓

Claim for self alone

Children:

Choctaw MCR 4389

Sue A. Thompson

See MCR 4006

MCR 4389

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. December 19, 1901.

4389

In the matter of the application for identification as Mississippi Choctaws of Sue A. Thompson for herself and her invalid sister May Thompson.

J. G. Ralls; attorney representing applicants.

No appearance by attorney.

Sue A. Thompson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sue A. Thompson.  
Q How old are you? A Thirty-six.  
Q How much Choctaw blood do you claim to have? A One-sixteenth.  
Q What is your post office address? A Sherman, Texas.  
Q How long have you lived in Sherman? A Fifteen years.  
Q Where did you reside before that? A Near Memphis, Tennessee.  
Q Were you born in Tennessee? A No in Mississippi.  
Q Born in Mississippi and lived in Tennessee and Texas? A Yes sir.  
Q Is your father living? A No sir.  
Q What was your father's name? A James M. Thompson.  
Q How old would your father be if he were living at the present time? A He would be seventy-nine.  
Q Is your mother living? A No sir.  
Q What was your mother's name? A Martha J. Thompson.  
Q How old would your mother be if she were living now? A She would be about seventh-three I guess.  
Q Through which one of your parents do you claim your Choctaw blood? A Father.  
Q Where did your father die? A At Sherman.  
Q When did he die? A Four years ago.  
Q Where was he born? A In Alabama I think.  
Q Did he ever live in Mississippi? A Yes sir.  
Q When did he live in Mississippi, what year? A I don't know we lived there a long time, after the War and before.  
Q What part of Mississippi did he live in? A Hayette County, I think.  
Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Were your father and mother legally married? A Yes sir.  
Q Where did they marry? A They were married in Alabama I think.  
Q Were they married under a marriage license? A Why of course.  
Q Were they married by a minister or official? A Minister.  
Q Have you got a copy of the marriage license and certificate?  
A No sir.

Q It will be necessary for you to furnish the Commission with evidence of the legal marriage of your father and mother, you can furnish the original marriage license and certificate or certified copies of the same.

- Q Are you married? A No sir.

- Q You desire to make claim for any one else besides yourself? A For my invalid sister.
- Q She is an invalid you say? A Yes sir.
- Q What is that sisters name? A May.
- Q How old is she? A She is about twenty-three I guess.
- Q Does she claim the same amount of Choctaw blood that you claim? A Yes sir.
- Q That is one-sixteenth is it? A Yes sir.
- Q May Thompson is a full sister of yours? A Yes sir.
- Q The daughter of James M. and Martha J. Thompson? A Yes sir.
- Q She derives her Choctaw blood from the same source that you do? A Yes sir.
- Q Is her post-office address the same as yours? A Yes sir.
- Q Is she incapacitated on account of infirmities from being present and making personal application? A Yes sir.
- Q Have you any certificate from medical authority showing that she is incapacitated? A No sir I did not know that it was necessary.

The commission will require some medical authority to certify showing that this sister of yours is not able to make personal application on account of physical disabilities?

- Q A Yes sir.
- Q Then this application is for yourself and your invalid sister? A Yes sir.
- Q Is your name or your sister's name to be found on any of the tribal rolls of the Choctaw Nation, Indian Territory? A I guess not.
- Q You would know if your name was on any of these rolls? A Yes sir.
- Q Then your answer to that question would be no? A Yes sir.
- Q Did you or your sister or any one for either of you ever make application to the Choctaw tribal authorities, in Indian Territory to be enrolled as members of that tribe? A No sir.
- Q Did you or did your sister in the year 1896 make application to the Commission to the Five Civilized Tribes to be admitted or enrolled as citizens of the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
- Q Have you or your sister ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time either for yourself or your sister or has your sister ever made application in person to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, Indian Territory for yourself and your sister under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded September twenty seventh, eighteen hundred and thirty, at a place called Dancing Rabbit Creek in Mississippi? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians in Mississippi on the twenty seventh of September eighteen hundred and thirty. At the time the treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw Nation in Mississippi and Alabama to a New Country West of the Mississippi River. At the time the treaty was made a great number of the

Choctaws did not want to come to this new country West of the Mississippi River but preferred to remain in what constituted the old Choctaw Nation in Mississippi and Alabama and for the benefit of this class of Indians this fourteenth article was made a part of the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and become a citizen of the States and accept land under this article he should within six months from the ratification of the treaty, the treaty being ratified on the 24th day of February 1831, signify to the government agent in Mississippi, that is tell him that he desired to remain in the State and accept lands under the treaty and become a citizen of the states. After a Choctaw had done this he was then entitled to a reservation of one section of land of six hundred and forty acres of land for himself and one half section of three hundred and twenty acres of land for each child in his family unmarried and over ten years of age and for each child under ten years of age he was entitled to one quarter section or one hundred and sixty acres, the reservation of the children to adjoin the reservation of the parent and this reservation to include any improvements that the head of the family might own on the twenty seventh day of September eighteen hundred and thirty. This article also required that after a Choctaw had received this land as a beneficiary under this article he should reside upon this land for five years after which time the government gave him a title in fee simple, and he could then dispose of the land at his pleasure. The last clause of this article provides as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that a Choctaw who remained in Mississippi and accepted lands under this article and complied with the provisions did not forfeit his right to citizenship in the new Choctaw Nation Indian Territory but did forfeit any right to participate in the Choctaw annuities. Annuities were moneys paid to the Choctaws by the United States government under treaty provisions.

Q. You think you understand that article? A. Yes sir.

- Q What was the name of your ancestor who resided in Mississippi in eighteen hundred and thirty at the time this treaty was made? A Kasiah Brashear.
- Q What was her married name? A Kasiah Thompson. She was my grandmother.
- Q You claim through your father James M. Thompson, was he the son of Kasiah Thompson? A Yes sir.
- Q How much Choctaw blood did Kasiah Thompson have? A I don't know, I heard but I forgot.
- Q How was Kasiah Thompson married and the head of a family and living in Mississippi in eighteen hundred and thirty when this treaty was concluded September the twenty seventh, eighteen hundred and thirty? A Yes sir I suppose she was.
- Q You have no proof of that fact, that she was married and lived in Mississippi at the time this treaty was concluded? A I suppose she was but I don't know.
- Q You have no proof of that fact? A I suppose she was because my father was born in 1822.
- Q Have you any proof to show that she was living in Mississippi in eighteen hundred and thirty? A I don't know.
- Q Have you any proof that you can offer to the Commission that she was married and the head of a family and living in Mississippi in eighteen hundred and thirty? A I think so I think she was.
- Q You have no proof of it? A I don't know.
- Q Was Kasiah Thompson a recognized member of the Choctaw tribe of Indians at that time, when this treaty was made September the twenty-seventh, eighteen hundred and thirty? A I suppose she was. I have heard of these things but I have not paid any attention to it.
- Q Did your Choctaw ancestor own an improvement in Mississippi in what constituted the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A That is another question that I don't know.
- Q Then you don't know whether they owned any or not? A No sir I don't.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation Indian Territory, between the years eighteen hundred and thirty three and eighteen hundred and thirty eight at the time of the emigration of the Choctaws to the Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty, that is within six months from the 24th day of February 1831 go before the government agent in Mississippi and accept lands under this treaty? A That is another one that I can't answer.
- Q Did any of your Choctaw ancestors ever receive any lands in what constituted the old Choctaw Nation in Mississippi or Alabama from the government of the United States under the provisions of the fourteenth article of this treaty? A I have heard that my grandfather's mother accepted land.
- Q I mean the ancestor through whom you claim, Kasiah Thompson did she get any land from the United States government? A No sir she did not.

In accordance with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty the government directed an agent in Mississippi to register the names of all the Choctaws who might desire to remain in Mississippi and accept lands under this fourteenth article. The records of the government show that this agent failed to record and report to the government the names of many Choctaws who really did appear before him and signify to him their intention of remaining and becoming citizens of the States and accepting lands under the provisions of this



article. This neglect on the part of the Indian Agent caused many Indians to lose their land upon which they had improvement and which they desired to have reserved for them under this article of the treaty. It was sold by the government at the public land sales. This caused many complaints by the Choctaws and these complaints finally reached Congress and Congress in 1837 appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen. In 1842 another Commission was appointed for a similar purpose. If the lands which the Indians claimed had not been sold they were put into possession of it. If it had been sold they were given scrip under which they could locate land in any of the States of Mississippi, Arkansas, Louisiana or Alabama, on the vacant government lands.

- Q Did any of your ancestors ever appear before any of these Commissions and attempt to establish their right to land under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your ancestors own any land in Mississippi, Arkansas, Louisiana or Alabama? A I can't tell you.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States through these Commissions for land which had been sold by the government and which they had established claims to before these Commissions? A I don't know that either.
- Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir not that I know of.
- Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A That is another one I don't know. All I know is just hearsay.
- Q Do you know of any living witnesses who could come before the Commission to testify as to whether your ancestors complied with this fourteenth article of this treaty, by compliance I mean whether they went before the Indian Agent and told him that they wanted to have land and that they did accept such land and lived on it for five years? A No sir I don't know.
- Q Have you in your possession any documentary evidence, such as deeds to lands or patents or any papers that would tend to show that your ancestors ever received any lands as benefits under this fourteenth article from the United States government? A No sir I have not.
- Q Have you any documentary evidence, any papers of any kind that you want to file with the Commission at this time? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q These questions that I have asked you apply as well to your sister's application as they do to your own and the answers you have given apply to hers as well as your own? A Yes sir.
- Q Have you any relatives who have made application prior to this time for identification as Mississippi Choctaws? A Why I have a sister that was here several weeks ago?
- Q Any others, the descendants of Kasiyah Thompson that have been before the Commission? A Yes I expect about one hundred.
- Q Will you give the names of some of them? A B. H. Dumas, T. M. Dumas, Louis Dumas, Scott S. Dumas.

Reference is here made to,


M.C.R. 3766 Dan H. Dumas,  
M.C.R. 4006 Scott S. Dumas,  
M.C.R. Travis M. Dumas, 4007  
M.C.R. 3503 James P. Dumas.

- Q What relation is Scott S. Dumas to you? A Double first cousin.  
 Q What relation is Dan H. Dumas to you? A The same.  
 Q T. M. and James P. Dumas cousins of yours also? A Yes sir.  
 Q You get your Choctaw blood from the same source that they do? A  
 A Yes sir.  
 Q You wish to have the evidence in their cases considered as evidence in your case? A Yes sir.  
 Q Is there any further statement that you desire to make at this time? A No sir I have told all I know.

This applicant has fair hair and complexion and grayish blue eyes and has the appearance and features of a person who is descended from white parentage. Does not speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 19th 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

Subscribed and sworn to before me this 31 day of December 1901.

*G. Rosenwinkel*  


Commissioners

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4389.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Sue A. Thompson,  
Sherman, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

|                                 |               |
|---------------------------------|---------------|
| Scott S. Dumas, et al.,         | M. C. R. 4006 |
| Miles G. Lantrip,               | M. C. R. 4737 |
| Mary P. Phillips, et al.,       | M. C. R. 4738 |
| Isom Lantrip,                   | M. C. R. 4739 |
| William T. Brasher, et al.,     | M. C. R. 4740 |
| Andy Brasher, et al.,           | M. C. R. 4741 |
| Robert L. Brasher,              | M. C. R. 4742 |
| Albert Collums,                 | M. C. R. 4743 |
| James S. Collums,               | M. C. R. 4744 |
| Thaddeus W. Dumas,              | M. C. R. 5787 |
| Aurelius W. Dumas,              | M. C. R. 5726 |
| Alexander Dumas, et al.,        | M. C. R. 6113 |
| Sharkey H. Roth,                | M. C. R. 5845 |
| Mary E. Carothers, et al.,      | M. C. R. 5700 |
| Carrie McConico, et al.,        | M. C. R. 5520 |
| Bernard A. Williams, et al.,    | M. C. R. 5144 |
| Maud Cain, et al.,              | M. C. R. 5807 |
| Claude A. Grantham, et al.,     | M. C. R. 5714 |
| James J. Dumas, et al.,         | M. C. R. 5717 |
| Sydney L. Dumas,                | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al.,          | M. C. R. 5699 |
| Benjamin F. Dumas,              | M. C. R. 4521 |
| James D. Dumas, et al.,         | M. C. R. 4524 |
| Ennis Palmer, et al.,           | M. C. R. 5857 |
| Maud Terry, et al.,             | M. C. R. 4525 |
| Lottie McCoy,                   | M. C. R. 4522 |
| Jane E. McCreary,               | M. C. R. 4523 |
| Mary C. L. Hollis, et al.,      | M. C. R. 4222 |
| William H. Hollis, et al.,      | M. C. R. 4311 |
| Lawrence W. Hollis, et al.,     | M. C. R. 4310 |
| Minnie H. Nicolds, et al.,      | M. C. R. 4312 |
| Mary C. McLeod, et al.,         | M. C. R. 4313 |
| Hattie E. Andrews, et al.,      | M. C. R. 4314 |
| Charlie T. Skinner, et al.,     | M. C. R. 4315 |

|                                    |               |
|------------------------------------|---------------|
| Thomas H. Hollis,                  | M. C. R. 4309 |
| Blanche G. Merchant,               | M. C. R. 4223 |
| Lawrence W. Dumas, et al.,         | M. C. R. 5731 |
| Mary A. Wade, et al.,              | M. C. R. 5822 |
| Willie P. Dumas, et al.,           | M. C. R. 5810 |
| John R. Dumas, et al.,             | M. C. R. 5701 |
| Carrie A. Wilkerson, et al.,       | M. C. R. 5703 |
| Maggie Ida Dumas,                  | M. C. R. 5702 |
| William P. Mims,                   | M. C. R. 5985 |
| Ransom E. Mims, et al.,            | M. C. R. 5858 |
| Frank E. Dumas,                    | M. C. R. 5732 |
| Ben M. Dumas,                      | M. C. R. 5811 |
| Edward W. Blakey, et al.,          | M. C. R. 5425 |
| Nannie Black, et al.,              | M. C. R. 4185 |
| Charles H. Black,                  | M. C. R. 4200 |
| Ammon Wood, et al.,                | M. C. R. 4202 |
| Willie Wood,                       | M. C. R. 4203 |
| Ellington Wood,                    | M. C. R. 4199 |
| Edna Fry,                          | M. C. R. 4286 |
| Robert B. Shipp, et al.,           | M. C. R. 4285 |
| Maria J. Crawford, et al.,         | M. C. R. 4115 |
| Majie J. Crawford Cole, et al.,    | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al.,      | M. C. R. 4117 |
| J. M. Crawford, et al.,            | M. C. R. 4094 |
| Robert H. Crawford,                | M. C. R. 4164 |
| Edna M. Folliard, et al.,          | M. C. R. 4168 |
| Everett B. Crawford, et al.,       | M. C. R. 4165 |
| Edwin R. Crawford,                 | M. C. R. 4077 |
| Pinkie Creager, et al.,            | M. C. R. 4169 |
| Fannie Sharp, et al.,              | M. C. R. 4433 |
| George H. Gresham,                 | M. C. R. 4098 |
| Oliver P. Gresham, et al.,         | M. C. R. 4095 |
| Robert O. Gresham, et al.,         | M. C. R. 4201 |
| Erma Biglow,                       | M. C. R. 4435 |
| David E. Dumas,                    | M. C. R. 4651 |
| DeBerry G. Dumas, et al.,          | M. C. R. 4119 |
| Birdie D. Carlet, et al.,          | M. C. R. 4123 |
| Mack O. Dumas,                     | M. C. R. 4658 |
| Susan M. Hendricks,                | M. C. R. 4121 |
| Onia Ann Stephens, et al.,         | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al.,            | M. C. R. 4122 |
| Helen Martin, et al.,              | M. C. R. 4097 |
| John W. Dumas,                     | M. C. R. 5012 |
| Ada B. Ewing, et al.,              | M. C. R. 4284 |
| Minnie P. Dumas,                   | M. C. R. 5011 |
| Malinda Blanks, et al.,            | M. C. R. 4118 |
| William C. Blanks, et al.,         | M. C. R. 4135 |
| Robert E. Blanks, et al.,          | M. C. R. 4139 |
| Nora E. Binford,                   | M. C. R. 4125 |
| Birdie A. Wilson, et al.,          | M. C. R. 4134 |
| Albert G. Dumas, et al.,           | M. C. R. 4631 |
| Roxanna Freeman, et al.,           | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al.,      | M. C. R. 4632 |
| Maude Florence Clark, et al.,      | M. C. R. 5713 |
| May L. Brown,                      | M. C. R. 5725 |

|                                |               |
|--------------------------------|---------------|
| Murat Dumas, et al.,           | M. C. R. 5715 |
| Lula A. Dumas,                 | M. C. R. 5716 |
| Lena Fulton, et al.,           | M. C. R. 4144 |
| Lauren Scott Cannon, et al.,   | M. C. R. 4145 |
| Eula Umphress, et al.,         | M. C. R. 4146 |
| Pearl Barron, et al.,          | M. C. R. 4147 |
| James W. Wheat, et al.,        | M. C. R. 4695 |
| Ivy A. Fowler,                 | M. C. R. 4696 |
| Dan H. Dumas, et al.,          | M. C. R. 3766 |
| Eula D. Shivel,                | M. C. R. 4075 |
| Walter W. Dumas,               | M. C. R. 4015 |
| James P. Dumas,                | M. C. R. 3503 |
| Travis M. Dumas, et al.,       | M. C. R. 4007 |
| Verna J. Dumas, et al.,        | M. C. R. 4140 |
| Laura D. Cole, et al.,         | M. C. R. 4141 |
| Victoria J. Pierce, et al.,    | M. C. R. 4066 |
| Lee W. T. Herman,              | M. C. R. 4254 |
| Annie B. Wallace, et al.,      | M. C. R. 4250 |
| Louis Dumas, et al.,           | M. C. R. 4014 |
| Belle Leslie, et al.,          | M. C. R. 4067 |
| John F. Sanders, et al.,       | M. C. R. 5445 |
| Nancy J. Whorton, et al.,      | M. C. R. 5446 |
| James L. Sanders,              | M. C. R. 5560 |
| Julia A. Wells,                | M. C. R. 5559 |
| Emsley M. Sanders, et al.,     | M. C. R. 5804 |
| Cora C. Bond, et al.,          | M. C. R. 4620 |
| Margaret K. Aston, et al.,     | M. C. R. 4562 |
| Mary Jane Dumron, et al.,      | M. C. R. 5805 |
| William E. Aston, et al.,      | M. C. R. 4583 |
| Vic Dumron, et al.,            | M. C. R. 4619 |
| Cynthia Jane Dicken, et al.,   | M. C. R. 4582 |
| William T. Sanders, et al.,    | M. C. R. 5444 |
| James P. Sanders, et al.,      | M. C. R. 4069 |
| Missieniah Ellison, et al.,    | M. C. R. 4154 |
| Lillie Page, et al.,           | M. C. R. 4155 |
| Walter H. Thompson,            | M. C. R. 4142 |
| Jeff D. Thompson, et al.,      | M. C. R. 4016 |
| Mary A. Ferguson, et al.,      | M. C. R. 4772 |
| Vergie J. Powers, et al.,      | M. C. R. 4773 |
| Willie E. Ferguson, et al.,    | M. C. R. 4774 |
| Alonzo A. Ferguson,            | M. C. R. 4775 |
| Sue A. Thompson, et al.,       | M. C. R. 4389 |
| Ada Thompson,                  | M. C. R. 4076 |
| Emma C. Canon, et al.,         | M. C. R. 3414 |
| Winnie D. Canon,               | M. C. R. 3415 |
| Delmer Canon,                  | M. C. R. 3761 |
| George Thompson, et al.,       | M. C. R. 3756 |
| George Homer Thompson,         | M. C. R. 3757 |
| Ida Sandford,                  | M. C. R. 3759 |
| Lula Thompson Noe, et al.,     | M. C. R. 3760 |
| Verner L. Dumas,               | M. C. R. 5719 |
| James Don Dumas, et al.,       | M. C. R. 5720 |
| Claude E. Dumas, et al.,       | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton,          | M. C. R. 6185 |
| Elizabeth Wood,                | M. C. R. 6268 |
| Eula P. Niswander, et al.,     | M. C. R. 6342 |
| Lawrence L. Thompson, et al.,  | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Duella Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lanion Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. L. D.

Chairman.

Registered.

CC.

MCR 4389

Muskogee, Indian Territory, January 22, 1906.

Sue A. Thompson,  
Sherman, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and your sister as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Thomas Dickson*

Commissioner.



## For Identification as a Mississippi Choctaw.

Date DEC 19 1901

Name *Sur A. Thompson*Age *36* Blood *1/16*Post Office *Sherman Texas*Father: *James M. Thompson Dead*Mother: *Martha J. Thompson Dead*Claims through *Father*

Sister - Invalid -

*May Thompson 23. 1/16*  
*Claims for self & Invalid sister*

Children:

Stenographer *G. Rosenwinkel*

Choctaw MCR 4390

David C. Beam

See MCR 1085

MCR 4390

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee I.T. December 19, 1901.

In the matter of the application for identification as Mississippi Choctaws of Rufus F. Beam et al., M. C. R. 1085.

In the matter of the application for identification as a Mississippi Choctaw of Aaron R. Beam M. C. R. 4388.

In the matter of the application for identification as Mississippi Choctaws of David C. Beam et al., M. C. R. 4390.

Aaron R. Beam under oath testifies as follows:

Examination by the Commission

- Q What is your name? A Aaron R. Beam.  
Q What is your age? A Sixty-three.  
Q What is your post-office address? A Waco, North Carolina.  
Q You are the same Aaron R. Beam who made application before this Commission yesterday for identification as a Mississippi Choctaw? A Yes sir.  
Q How much Choctaw blood do you claim? A I suppose about one-fourth, I can't hardly tell. I claim that.  
Q You were born in North Carolina? A Yes sir.  
Q You are sixty-eight years of age? A Sixty-three.  
Q Sixty-three? A Yes sir.  
Q Have you any other Indian blood besides Choctaw? A Not that I know of.  
Q Did you ever claim to have any Cherokee blood? A No sir.  
Q What is your mother's name? A Annie Long before marriage.  
Q Your people always lived in North Carolina? A Yes sir my father and mother did.  
Q You claim your Choctaw blood through both of your parents? A Yes sir.  
Q Did their parents live in North Carolina? A They lived in North Carolina until about 1806, most of them went to Mississippi except my grandmother to the best of my knowledge.  
Q What was your grandmother's name? A Her name before she married was Elizabeth Rudelf.  
Q Is she the woman through whom you claim your right now as a Mississippi Choctaw? A Yes sir.  
Q Elizabeth Rudelf a Choctaw Indian? A Yes sir that is what has always been handed down to us and of course she came from the Choctaw Nation, she originally came from Pierson County.  
Q What State? A North Carolina.  
Q When did you first hear of the Choctaw Indians living in North Carolina? A Well it has always been.  
Q Is it not a fact now, that within the past two or three years when you first began to prosecute your claim for citizenship in the Indian Territory that you claimed to be descended from a Cherokee Indian? A No sir because the Cherokees lived East of the Blue Ridge Mountains.  
Q Are you a full brother of Rufus F. Beam? A No sir full cousin.  
Q He claims his right to be identified as a Mississippi Choctaw through Elizabeth Rudelf? A Yes sir, they originally came from Pierson County.  
Q What knowledge have you of the Choctaw tribe ever residing in North Carolina? A Well we have no knowledge of it, only that there was different tribes living in North Carolina and we claim that we are of that tribe of Indians that lived in that section of the Country. We can't go back farther then what has been handed down to us. There were different tribes living there.

#2

- Q What different tribes lived there? A The Cherokees lived in West North Carolina, the Choctaws in the Central and the Tuscaroras in the North East.
- Q What do you mean by the Choctaws living in Central North Carolina? A That is what was said.
- Q Have you any knowledge as a historical fact that the Choctaws lived in North Carolina? A I can't tell you the history only what has been handed down to us. That they were there and that we were said to be of that blood.
- Q All the records of the United States government show that the Choctaw Indians as a recognized Tribe occupied lands in the States of Mississippi and Alabama from the institution of any branch of government? A They formerly lived in North Carolina, a great many of them did. I can't repeat the history of the Indians only what has been handed down and told us, that there were six or seven tribes there.
- Q What do you mean by the treaty of 1806? A I don't understand that treaty, only that it has been handed down to us that they were given a reservation in North Carolina and that all those who wanted to stay there could do so and all that wanted to could go to Mississippi.
- Q Who was this treaty of 1806 made between? A The government and the Indians?
- Q What Indians? A The different tribes.
- Q What different tribes? A I can't tell you.
- Q Can you cite us the clause of that treaty that gave to those Indians in North Carolina the right to stay there and take land there? A No sir I cannot not.

A Telle under oath testifies as follows:

- Q What is your name? A A. Telle.
- Q What is your age? A Forty-two.
- Q Are you a citizen by blood of the Choctaw Nation Indian Territory? A Yes sir.
- Q What is your profession? A Attorney at Law.
- Q You are well versed in the customs and have knowledge of the different treaties entered into between the United States and the Choctaw Indians? A Yes sir.
- Q Did you ever know of any treaty of 1806 between the United States and the Choctaw Indians? A No sir.
- Q You ever know of the Choctaw Indians having a reservation in North Carolina in 1806? A No sir.
- Q Did you ever hear of the Choctaw Indians having a reservation in North Carolina? A No sir.
- Q Where was the Territory occupied by the Choctaw Nation before they moved to the Indian Territory? A What is now known as the State of Mississippi and a part of the State South of it and a little North.
- Q It went over into Alabama? A Yes sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 19th 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

Subscribed and sworn to before me this 31<sup>st</sup> day of December 1901.

*G. Rosenwinkel*  
Commissioner.

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. December 19, 1901.

4390

In the matter of the application for identification as Mississippi Choctaws of David C. Beam for himself and his minor child Mary Elizabeth Beam.

Applicants not represented by attorney.

David C. Beam being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A David C. Beam.  
Q What is your age? A Forty the 16th of next February.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q What is your post office address? A Pauls Valley.  
Q Indian Territory? A Yes sir.  
Q How long have you lived in Pauls Valley? A Only a short time.  
Q Where did you live before you moved to Pauls Valley? A North Carolina.  
Q Born in North Carolina? A Yes sir.  
Q Never lived anywhere but North Carolina and the Indian Territory? A That is all.  
Q How long have you lived in the Indian Territory? A I have lived here going on the third week now.  
Q Is your father living? A No sir.  
Q What was his name? A Peter Beam.  
Q How old would your father be if he were living now? A Sixty some years old, I don't know exactly.  
Q You think sixty five? A I guess he would be that old.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Her name now is Margaret Ann Stroup.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q Was your mother a white woman? A Yes sir.  
Q How much Choctaw blood did your father Peter Beam have? A Well I don't know, something like one-quarter would it not.  
Q Where did your father die and when? A He died on the battle field.  
Q Killed during the Civil War? A No sir he took the fever and died.  
Q What was his home? A North Carolina.  
Q Ever live anywhere except North Carolina? A Not that I know of.  
Q Was he born in North Carolina? A Yes I think so.  
Q When and where were your father and mother married? A As far as I know they were married in North Carolina.  
Q Were they married under a marriage license? A Yes I think so.  
Q By a minister or official? A I can't tell.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of your father and mother.

- Q Are you married? A Yes sir.  
Q What is the name of your wife? A Susan A. Farris.  
Q Does she make any claim to Choctaw blood? A No sir, no Indian.  
Q You make any claim for her? A No sir.  
Q Are you living with your wife at the present time? A No sir.  
Q Are you separated from her? A Yes sir.  
Q Have you been legally divorced? A Yes sir.

Where is your wife living? A In North Carolina.

Q You have never married a second time then? A No sir.

Q Have you any children for whom you desire to make application at this time? A One child.

Q In the divorce proceedings did the Court give you the custody of that child or did they give it to her? A My lawyer said that I could get the child at the next Court if I wanted it but I did not take it.

Q Has that next Court passed and you made no application for the child? A Yes it has passed.

Q Well in the first case did the Court not granting the decision give your wife custody of the child? A She never appeared at all.

Q Did you sue your wife for the divorce? A Yes sir I sued her.

Q Did you ask the Court to give you custody of the child? A No sir I had to get the divorce first and then the child afterwards.

Q Then the child is in the possession of your wife at this time? A Yes sir.

Q And she has full charge of it? A Yes sir.

Q Have you a copy of these divorce proceedings? A No sir.

Q You say your wife made no appearance at this suit? A No sir she never appeared at all.

Q Then you got your divorce by default did you? A Yes sir.

Q What is the age of this child for whom you desire to make application? A She was born in Ninety-three.

Q That would make her eight years of age? A Yes sir.

Q What is her name? A Mary Elizabeth.

Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A I don't know.

Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir I reckon not.

Q Did you or any one for you or your minor child ever make application to the tribal authority of the Choctaw tribe, in the Indian Territory to be enrolled as a member of that tribe? A Not that I know of.

Q Would you not know if you were? A Yes sir.

Q Did you ever give anybody any such authority to make application for you? A No sir.

Q You never made any? A No sir.

Q Did you or did any one for you or your child in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.

Q Have you or any one for you or your minor child ever prior to this time make application to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Did you ever make application for yourself or your child to be admitted as citizens of any other tribe of Indians? A No sir.

Q This is the first time you have ever appeared before the Commission to make application of any kind? A No sir.

Q Have you ever been before any Indian authority in the Indian Territory, any of the tribes and claimed citizenship in these tribes? A No sir I never have been before them.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and your minor children under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians, September the twenty-seventh, eighteen hundred and thirty in Mississippi? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the twenty seventh day of September 1830 between the United States government and the Choctaw tribe of Indians. At that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along Western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them to a new Country West of the Mississippi River. At the time the treaty was made some of the Choctaws did not want to go to this new Country but preferred to remain in what constituted the old Choctaw Nation in Mississippi or Alabama and for the benefit of this class of Indians the fourteenth article was made a part of the treaty. This article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This fourteenth article required that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions he should within six months after the ratification of the treaty, the treaty being ratified by act of Congress, the 24th day of February 1831 go before the government agent in Mississippi and tell him that he wanted to stay in Mississippi and accept land under the provisions of this article; after having done that he was entitled to a reservation of one section of six hundred and forty acres of land and for each unmarried child in his family over ten years of age he was entitled to one half that quantity or three hundred and twenty acres of land and for each unmarried child in his family under ten years of age he was entitled to one quarter section or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent and this reservation to include any improvements that the head of the family might have owned on the twenty seventh of September 1830, the time this treaty was concluded. This article also required that when a Choctaw received his land under this article he should reside upon said lands for a term of five years after which time the government would give him a title in fee simple permitting him to dispose of his land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."



That means that a Choctaw who remained in Mississippi and accepted land under this article and resided on the same for a term of five years carrying out all the requirements of this article did not forfeit his rights to citizenship in the new Choctaw Nation, Indian Territory but he did forfeit any rights that he might have to participate in the Choctaw annuities. Annuities were moneys paid by the United States government to the Choctaw Indians under treaty provisions.

- Q You think you understand that article? A I understand some of it, but of course I have'nt any education.
- Q If you want a further explanation I will give it to you? A I think I understand it.
- Q Which one of your ancestors lived in Mississippi in eighteen hundred and thirty at the time this treaty was made? A It was some of the old ones but of course I don't know them.
- Q You know their names? A No sir I don't think I do.
- Q Who did your father Peter Beam get his Choctaw blood from? A His father.
- Q What was his father's name? A Through his grandmother he got it.
- Q Well what was his grandmother's name? A Elizabeth Rudelf.
- Q How do you spell that name? A Some say Rudolph and some Rudelf.
- Q How do your family spell it? A I call it Rudelf.
- Q What was the name of Elizabeth Rudelf's husband? A John T. Beam.
- Q What was the name of Elizabeth Rudelf's husband? A John T. Beam.
- Q Was he your grandfather? A No sir great grandfather.
- Q Well you have just testified that Elizabeth Rudelf was your grandmother? A No greatgrandmother.
- Q Well we will not continue anything further about Elizabeth Rudelf I asked you at the outset to give me the names of your father's mother and father I did not ask you anything about your great grandfather and great grand mother. What was your grandfather's name? A Peter Beam.
- Q Now who was Peter Beam's wife, your grandmother, what was her name? A It seems to me it was a Long.
- Q Who did Peter Beam your father get his Choctaw blood from? A From his grandmother.
- Q Which one of his parents? A On his mother's side.
- Q Did he get his Choctaw blood from his father or mother? A His mother and grandmother.
- Q I did not say anything about his grandmother? A His mother.
- Q What was the name of your father's mother, before she married? A I can't give it.
- Q Do you know the names of your Choctaw ancestors who lived in Mississippi in 1830 at the time this treaty was made? A No sir I don't know. I know about the treaty of eighteen hundred and thirty but not about the ancestors.
- Q Which one of your ancestors was living in Mississippi in the old Choctaw Nation at the time this treaty was made? A Well a good many I suppose.
- Q Which one of your ancestors? A I can't call none of their names.
- Q Then your answer would be that you do not know? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Well I guess so.
- Q Have you any proof of that with you? A I haven't proof but I have heard them say.
- Q You have heard it said by your family that they were? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements at the time this treaty was made? A I suppose they did.
- Q Have you any proof that they did? A No sir I have no proof myself.



- Q All you know is from family history? A Yes sir.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory between the years eighteen hundred and thirty three and eighteen hundred and thirty eight at the time the Choctaws removed to the Indian territory? A I could not say.
- Q You don't know? A No sir I do not.
- Q Did any of your Choctaw ancestors within six months from the time this treaty was ratified, that is within six months from the 24th day of February 1831, go before the government agent in the old Choctaw Nation in Mississippi or Alabama and tell him that they wanted to stay in Mississippi and take land under this article? A I don't know about that.
- Q Did any of your Choctaw ancestors ever receive any land from the United States government as Choctaw Indians under this article? A I don't know I don't think they did.

In accordance with the provisions of this article the government directed an agent in Mississippi to register the names of all the Choctaws who desired to remain in the State and take land under its provisions. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did go before him and signified their intention of remaining in Mississippi and taking land. This action of the government caused the Indians to lose their land upon which they had improvements and which they desired to have reserved for them. The lands were sold at the public land sales by the government. This caused a great many complaints to be made by the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions which Commissions went to the State of Mississippi and heard a large number of cases and if the land had not been sold by the government the Indians were put into possession of it; if the land had been sold they were given scrip in lieu of this land which they had lost. Under this scrip they could locate land from vacant government lands in Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors ever appear before any of these Commissions and attempt to establish their claim under this article? A A I suppose they did.
- Q I don't want you to suppose, have you any proof? A I have heard them say.
- Q Who have you heard say that? A I have heard my family say so.
- Q Have you any proof of any kind to show that they did go before any of these Commissions? A I could do nothing but bring them up.
- Q You have witnesses living who know that your ancestors went before these Commissions between the years 1837 and 1842? A A Yes I think so.
- Q Is it not a fact that you don't know of any such proof? A I don't know.
- Q You say you have heard some of your people say that they went before some of these Commissions? A Yes sir.
- Q When did they go before them? A It has been a right smart while ago.
- Q You know what year it was they went before them? A I don't know what year.
- Q Did they ever get any scrip? A Not yet.
- Q I have stated to you that these Commissions investigated the claims of Indians who claimed to have lost their lands at the public land sales of the government between the years 1837 and 1842. Now did any of your ancestors go before any of these

Commissioners in these years, 1837 to 1842 and establish claims to land under article fourteen? A I don't know sir.

Q Did any of your Choctaw ancestors own any land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I can't answer that question.

Q So far as you know did any of your Choctaw ancestors ever receive any land from the United States government as Choctaw Indians? A Not that I know of.

Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians; were they recognized by the Choctaw tribal authorities as Choctaw Indians? A I suppose so.

Q You suppose they were; I don't want you to suppose; I want you to say whether they were or not? A I don't know.

Q Were they considered Indians by the Choctaw Indians, did they live with the Indians? A Yes I suppose they did.

Q Have you any proof that they were recognized? A I have no proof unless it is some of the older ancestors.

Q Do you desire to offer any written evidence in support of your application that will show that your Choctaw ancestors complied with this fourteenth article of the treaty of eighteen hundred and thirty? A No sir.

Q You have no papers in your possession now that you want to file with the Commission? A No sir.

Q Do you know of any living witnesses that could come before the Commission who could testify that your ancestors did get land under this fourteenth article of the treaty? A I may have.

Q What are their names? A I have some older ancestors.

Q What are their names and are they living? A Some Beams.

Q What are their given names? A Dr Beam.

Q Where does he live? A He lives in this Nation? A

Q What place? A Pauls Valley.

Q Has he ever appeared before the Commission? A I suppose he has.

Q What is his full name? A I don't know what his initials are.

Q Have any of your people ever been before the Commission and made application for identification as Mississippi Choctaws? A Yes sir.

Q What are the names of some of them? A One was here yesterday evening.

Q What was his name? A Aaron Beam.

Q What relation is Aaron Beam to you? A Just only my uncle.

Q You get your Choctaw blood from the same source he does? A Yes sir.

Q You want the evidence in his case considered as part of the evidence in your case? A Well I don't know which would be the best? A

Q That is for you to say.

Reference is here made to M. C. R. No. 4388, Aaron Beam.

Q You desire to make any further statement in support of your case? A No sir.

This applicant has brown hair and dark gray eyes.

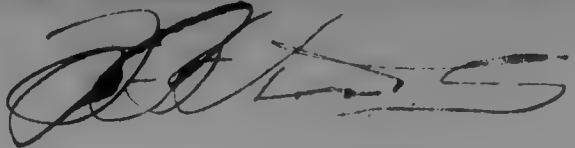
Q Do you speak or understand the Choctaw language? A I don't understand it.

Has the features and appearance of a person descended from white parentage. Does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 31 day of December 1901.



Commissioner.

Muskogee, Indian Territory, May 20, 1903.

David C. Beam,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rufus F. Beam, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |            |
|-------------------------|------------|
| Rufus F. Beam, et al.,  | M O R 1085 |
| Minnie Fiedlie, et al., | M O R 1086 |
| Joshua P. Beam, et al., | M O R 1087 |
| Rufus L. Beam,          | M O R 1088 |
| Aaron R. Beam,          | M O R 4388 |
| David O. Beam, et al.,  | M O R 4390 |
| Elmelle Frost, et al.,  | M O R 1740 |
| Eliza Calhoun,          | M O R 3448 |

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 495) is as follows:

Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform

all other acts necessary thereto and make report to the Secretary of the Interior."

D C B-2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Rufus P. Beam, Lettie Beam, Myrtle May Karber, Mittie Habel Karber, Charlie Boma, Eddie Beam, Bonnie Beam, Minnie Teddlie, Gomer Teddlie, Pauline Teddlie, Minnie Teddlie, John P. Teddlie, Jr., Joshua P. Beam, Charles Rufus Beam, Joshua Philip Beam, Rufus L. Beam, Aaron R. Beam, David C. Beam, Mary Elizabeth Beam, Fimella Frost, Beatrice Frost, Willie Frost, Fred Frost and Eliza Calhoun as Choctaw Indians entitled to rights in the Choctaw Nation under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

COPY.

M.C.R. 4390

Muskogee, Indian Territory, July 2, 1902.

David C. Bean,

Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Rufus P. Bean, et al., of which decision you were advised by registered mail on the 20th day of May, 1902.

Yours truly,

Commissioner in Charge.

No. 4390

For Identification as a Mississippi Choctaw.

Date DEC 19 1901

Name *David C. Beam*

Age *40* Blood *1/8*

Post Office, *Pauls Valley I.T.*

Father *Peter Beam* <sup>*Stroup*</sup> *Dead*

Mother *Margaret Ann Stroup* ✓

Claims through *Father*  
wife *Susan A. Farris* <sup>*Divorced*</sup> ✓  
*No claim for wife*

Children:

*Mary Elizabeth Beam 8*

*G. R. Beam*

Choctaw MCR 4391

Josie Kidd

See MCR 4382

MCR 4391



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. December 19, 1901.

4391

In the matter of the application for identification as a  
Mississippi Choctaw of Josie Kidd.

Applicant represented by attorney Andrew W. Jones.

No appearance by attorney.

Josie Kidd being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Josie Kidd.  
Q How old are you? A I am thirty years old.  
Q How much Choctaw blood do you claim? A Why we-- I really don't know but we are of the blood.  
Q You don't really know how much Choctaw blood you possess? A I really don't know but I think my father does.  
Q How much Choctaw blood does your father claim? A I really don't know, I have not seen him since he is back from Mississippi.  
Q Then you don't know how much Choctaw blood you possess? A No.  
Q What is your post office address? A Here at Muskogee.  
Q How long have you lived at Muskogee? A I have been here about seven years. We have always lived in Mississippi, I was bred and born in Mississippi.  
Q Then you moved from Mississippi to Muskogee? A No we lived in Little Rock a short time and then came here.  
Q But you were born in Mississippi? A Yessir.  
Q What is your father's name? A Sam Hoskins.  
Q Is he living? A Yes sir.  
Q How old is your father? A He is about fifty or fifty-five,-- fifty-three along there some where.  
Q Is your mother living? A Yes sir she is living.  
Q What is your mother's name? A Adaline Hoskins.  
Q How old is your mother? A About forty-nine.  
Q Through which one of your parents do you claim Choctaw blood? A On my mother's side. Mother and father both is Choctaws.  
Q Then you claim through both of your parents mother and father? A Both is Choctaws but my father is Cherokee and Choctaw both.  
Q Then you claim through both parents do you? A Yes sir.  
Q How much Choctaw blood did your mother claim to be possessed of? A She told me but I have forgot.  
Q You don't know how much Choctaw blood she has then? A No sir.  
Q Were your father and mother legally married? A Yes in Mississippi, a long time ago.  
Q Were they married under a license? A Yes sir.  
Q Were they married by a minister or official? A By a minister because papa was a methodist preacher.  
Q Where was your mother born? A In Mississippi.  
Q Where was your father born? A He was born there too.  
Q Are you married? A Yes I am married.  
Q What is the name of your husband? A Sam Kidd.  
Q What race is your husband? A He is African and he claims Choctaw but he never tried to prove it up.  
Q He is living is he? A Yes sir.  
Q You say your mother is part Choctaw, what is the other part? A African.

- Q You don't know how much Choctaw blood your father is possessed of? A No sir.
- Q What other kind of blood did he have? A Cherokee, Choctaw and white.
- Q Have you any children for whom you desire to make application? A No sir.
- Q Then you claim for yourself alone? A Yes sir.
- Q You make no claim for your husband? A Well I don't know in which way you mean; if I should die?
- Q No; do you make any claim for your husband as having Choctaw blood? A No sir.
- Q Then you don't want to make any claim for him? A No I think that would be for him.
- Q If he has any Choctaw blood it would be for him? A Well he will come for himself.
- Q You just claim for yourself then? A Yes if he wants anything he will have to claim for himself. My father went back to Mississippi to see about ours but my husband did not say anything about his being proved up.
- Q Have your father or mother ever ben recognized/any manner or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A Not as I knows of.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Why if it is I don't know anything about it.
- Q Would you not know if it was on there? A It seems like somebody would tell me.
- Q I asked you if your name was on the Choctaw tribal rolls? A In Mississippi you mean?
- Q No; here in the Indian Territory? A I don't know about that.
- Q Who would put it on there? A I don't know.
- Q Don't you know that it is not on there? A No it is not.
- Q Did you or did any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or did any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A Not as I knows of.
- Q Did you ever make any yourself? A No sir.
- Q You never authorized any one to make one for you? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir I never did anything only what I did this morning.
- Q Have you made any application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians made in Mississippi in eighteen hundred and thirty on the twenty seventh day of September? A Was I there you say?
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, Indian Territory under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians, in Mississippi in eighteen hundred and thirty on the twenty seventh day of September? A Why I suppose this man was down there.

- Q What do you come here for to day? A He told me to come down here to day and have my name put on the roll.
- Q You think that is all you have to do , to come here and have your name put on the roll? A Yes sir.
- Q What rolls do you want to be put on? A Mississippi Choctaw rolls.
- Q What makes you think you have a right to be put on these rolls? A Because my people is all on these rolls?

This Commission is vested with authority to hear the applications of persons who claim rights under the fourteenth article of the treaty concluded between the United States government at a place called Dancing Rabbit Creek on the twenty-seventh day of September 1830. That authority is found in the twenty first section of the act of Congress approved June 28th 1898 and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaws lands under article fourteen of the treaty between the United States and the Choctaw Indians, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

- Q Do you claim your rights under the fourteenth article of this treaty; do you know what a treaty is? A No sir I don't know anything about this.
- Q A treaty is an agreement between Nations and this treaty was between the United States government and the Choctaw Nation. It was entered into in Mississippi on the twenty seventh of September eighteen hundred and thirty. The Choctaws at that time occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw Nation in Mississippi and Alabama to the New Choctaw Nation, Indian Territory, west of the Mississippi River. At the time the treaty was made some of the Choctaws did not want to go to this New Country but preferred to remain in what constituted the old Choctaw Nation. For the benefit of this class of Indians the fourteenth article was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the article under which you claim; part of the treaty under which you claim? A Yes sir.

That article required that in case a Choctaw desired to remain in Mississippi and become a citizen of the States and take land under the provisions of this article, he should within six months from the date this treaty was ratified by Congress, the treaty being ratified on the 24th day of February 1831, tell the government agent in the old Choctaw Nation in Mississippi or Alabama that he intended to remain there and take land. When he did this he was entitled to one section of six hundred and forty acres of land and for each child in his family unmarried and over ten years of age he was entitled to a reservation of one half section of three hundred and twenty acres and for each child under ten years of age he was entitled to one quarter section or one hundred and sixty acres; the reservation of the children to adjoin the reservation of the parents and this reservation to include any improvements that the had of the family owned on the twenty seventh day of September 1830. This article also required that in case a Choctaw received land under it he should reside upon said land for five years after which time the government gave him a title in fee simple, enabling him to dispose of the land at his pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuities."

That means that in case a Choctaw remained in Mississippi and complied with all the requirements of this article such as taking this land and residing thereon for five years, he did not forfeit his right to citizenship in the New Choctaw Nation, Indian Territory but he did lose any right he might have to annuities. Annuities were moneys paid to the Choctaw Indians under treaty provisions.

- Q Do you think you understand that article as I have explained it to you? A I don't know, I think I do.
- Q What is the name of your ancestor who lived in Mississippi at the time this treaty was made? A I don't know.
- Q Who does your father get his Choctaw blood from? A Why I suppose he gets it from his mother.
- Q Was his mother a part Choctaw? A Yes sir.
- Q That was your grandmother? A Yes sir.
- Q What was her name? A Martha Hoskins.
- Q What was her name before she was married? A I don't know, she is dead. I know my mother's mother.
- Q Then you don't know anything about your father's ancestors at all? A No sir they are dead.
- Q Who does your mother get her Choctaw blood from? A Her mother.
- Q What was her mother's name? A Ellen McChristian.
- Q Is that her married name or her maiden name? A Her married name.
- Q What was her maiden name? A That is what I don't know.
- Q How do you know she had part Choctaw blood? A My mother told me.
- Q Then you don't know anything about the Choctaw blood of your mother or father either that is who they got it from? A From their parents.
- Q But you can't give the names of their parents? A No sir.
- Q Then you don't know the names of any of your ancestors living in Mississippi in 1830 when this treaty was made? A In which way do you mean?

- Q Do you know the names of any of your ancestors who lived in Mississippi in eighteen hundred and thirty? A I don't know.
- Q Were any of your ancestors recognized members of the Choctaw tribe of Indians in 1830? I mean by recognized members of the Choctaw tribe of Indians, were they recognized as Choctaw Indians by the Choctaw chiefs and head men? A I hard papa say but I have forgot.
- Q You don't know then? A No sir.
- Q What your father knows he can answer in his own application? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements in Mississippi at the time the treaty was made? A On my mother's side they owned some places.
- Q How did they come into possession of these improvements do you know? A No sir.
- Q Did any of your Choctaw ancestors move from the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation Indian Territory when the Choctaws moved from that Country between the years 1833 and 1838? A You want to know if it was any of my relatives.
- Q Ancestors means your foreparents? A No sir they all stayed there they are there now.
- Q Do you know whether any of your Choctaw foreparents went before the United States Indian Agent in Mississippi or Alabama within six months from the 24th day of February 1831 and told him that they wanted to stay in the State and take land under the fourteenth article of this treaty? A I don't know sir.
- Q Do you know whether any of your Choctaw ancestors ever received any land from the United States government as Choctaw Indians? A I don't know that even. It has been so long since I was there?

In accordance with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty the government directed an Agent in Mississippi to register the names of all the Choctaws who wanted to remain in the State and become citizens of the States and accept land under the fourteenth article. The records of the government show that this agent failed to record the names of many Choctaws who did go to him and tell him that they wanted to stay there and accept benefits and on this account the land upon which the Indians had improvements and which they desired reserved for them was sold at the public land sales by the government? This caused many complaints by the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to Mississippi and investigate these claims and these Commissions went to Mississippi and investigated a large number of claims. Some they allowed and others were rejected. Of the claims allowed by the Commissions and approved by the Secretary of War and by the President if the land had not been sold the Indians were put into possession of it. If the land had been sold they were given scrip under which they could locate land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Do you know whether any of your Choctaw ancestors went before any of these Commissions and proved up their claims? A I don't know whether they did or not.
- Q Do you know whether any of your Choctaw ancestors ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I think my mother's mother owned land where she stayed.
- Q You know how she got that land? A No sir.
- Q Do you know whether any of your ancestors ever got any of this scrip from the government? A No sir I don't know.

- Q Then so far as you know did any of your ancestors ever receive any benefits as Choctaw Indians? A Receive any benefits?
- Q Did they receive any benefits or lands? A I don't know.
- Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know that even.
- Q Do you know of any documentary evidence, by that I mean any deeds or patents or papers of any kind that would show that your Choctaw ancestors did go before the government agent in Mississippi and prove up their rights to land under article fourteen of this treaty? A How long ago?
- Q In 1831 it was, within six months after the 24th of February? A A No sir I have none. My father has been down there and I suppose he has got some. He knows more about it than I do.

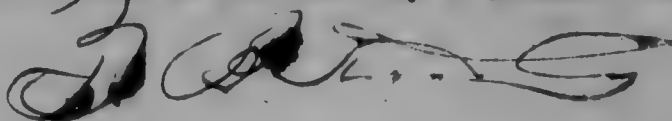
Reference is here made to M. C. R. 4382 Sam Hoskins et al.

- Q Are you a daughter of Sam Hoskins who made application on December 18, yesterday for identification as a Mississippi Choctaw? A Yes sir.
- Q You desire the evidence in his case to be made a part of the record in your case? A Yes sir.
- Q Is there any further statement that you desire to make in support of your application to day? A No sir I don't know of any thing.
- Q Do you speak or understand the Choctaw language? A No sir I don't understand it.
- Q Don't speak it either? A No sir.

This applicant has the appearance of a person descended from ancestry, mixed white and African; African predominant. She does not speak or understand the Choctaw language and has no knowledge of her ancestry beyond her father and mother and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on December 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

Subscribed and sworn to before me this 31st day of December 1901.



Commissioner.



COPY.

M.C.R. 4391

Muskogee, Indian Territory, October 14, 1902.

Jessie Kidd,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sam Hoskins, et al., embracing the following applications for identification as Mississippi Choctaws:

|                      |             |
|----------------------|-------------|
| Sam Hoskins, et al., | M.C.R. 4382 |
| Jessie Kidd,         | M.C.R. 4391 |
| Barney Hoskins,      | M.C.H. 4507 |
| Ed Hoskins,          | M.C.R. 4429 |
| Addie Gray,          | M.C.R. 4472 |

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Hoskins, Adeline Hoskins, Treasie Hoskins, Lucy Hoskins, Lillie Hoskins, Nora Hoskins, Jessie Kidd, Barney Hoskins, Ed Hoskins and Addie Gray, as Choctaw Indians entitled to rights

J. K. ---2

in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. A. J. ...*

Commissioner in Charge,

Registered.



Muskogee, Indian Territory, December 9, 1902.

Josie Kidd,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sam Hoskins, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Wm. D. Dyer,  
Acting Chairman.

Date DEC 19 1901

Name Josie Kidd

Age 30 Blood Don't know

Post Office, Muscogee I.T.

Father: Sam Watkins ✓

Mother: Adaline Watkins ✓

Claims through Mother & father  
Husband Sam Kidd ✓

(No claim <sup>negro</sup> for husband)

Claims for self alone

Children:

Stenographer G. Rosenwinkel

Choctaw MCR 4392

Wilson Farmer

See MCR 368, 4269

MCR 4392

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Wilson Farmer, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4392.

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List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

|  | (Page) |
|--|--------|
| Original application of Wilson Farmer, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws----- | 1      |
| Application for the identification of Wilson<br>Farmer as a Mississippi Choctaw-----   | 2      |
| Additional testimony of Wilson Farmer-----   | 5      |
| Decision of the Commission identifying Wilson<br>Farmer as a Mississippi Choctaw Indian-----                                 | 9      |

---o---

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Decatur, Newton County, Mississippi,  
Monday, February 6, 1899.

--0--

In the matter of the application of Wilson Farmer, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4392

Jim Roberts being first duly sworn, testified as follows:

JIM ROBERTS, the applicant, states: I am 48 years old,  
and have already given in myself, but I now want to give in for  
Wilson Farmer, a full blood Choctaw about 35 years old. His wife  
is a full blood and is named Mary, about 50 years old. She has a  
child named Jim Billey, 18 years old. Farmer and Mary have one  
child named Miley, two years old.

(Full Blood)

4392  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 14th, 1901.

In the matter of the application for the identification of  
Wilson Farmer as a Mississippi Choctaw,

Oscar Billey, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A Thirty-eight years old.  
Q What is your postoffice address? A High Hill, Mississippi.  
Q In what County do you live? A Neshoba.  
Q How long have you lived there? A I have lived in Neshoba ever since I was twenty-one years old.  
Q Where did you live before that? A I was born and raised in Leake County until I was twenty-one years old.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q What is your occupation? A I am a farmer but am official interpreter for the Commission to the Five Civilized Tribes at this time.  
Q Are you acquainted with a man by the name of Wilson Farmer?  
A Yes sir.  
Q Is he living now? A Yes sir.  
Q How long have you known him? A Ten or twelve years.  
Q Is he any relation to you? A No sir.  
Q Where does he live? A When he is at home he lives in Scott County.  
Q What is his postoffice address? A Hays, Scott County, Mississippi.  
Q About how old a man is he? A About thirty-eight years old.  
Q How much Choctaw blood has he, if you know? A Well, from what I could see and learn he is a full blood Choctaw.  
Q Has he the appearance of being a full blood Choctaw? A Yes sir.  
Q Does he speak and understand the Choctaw language? A Yes sir, all of it, and a very little English.  
Q Does he associate entirely with the Choctaws? A Yes sir, entirely with the Choctaws.  
Q Is he living at this time? A Yes sir, he was a few weeks ago. He went off, I suppose he is living yet.  
Q Do you know where he is at this time? A Down in the Mississippi bottoms. I heard he went down there about the 18th of November to pick cotton and that he wouldn't return home before Spring. I don't know where exactly he is located but think he is about forty or fifty miles above Vicksburg.  
Q Is Wilson Farmer's father living? A No sir, he is dead.  
Q What was his name? A John Farmer.  
Q How long has he been dead? A Might or nine years.  
Q Were you acquainted with him? A Yes sir.  
Q Did he have a Choctaw name? A Not that I ever heard of.  
Q About how old a man was he when he died? A About seventy years old, I reckon.  
Q Was he a full blood Choctaw Indian? A Yes sir, I would take him to be a full blood.  
Q Did he speak and understand the Choctaw language? A Yes sir.  
Q Did he speak or understand English? A Very little.

Wilson Farmer---2

- Q Do you know the name of his father or mother? A No sir.  
Q Has Wilson always lived in Mississippi? A Yes sir.  
Q Did his father always live here? A Yes sir, as far as I know.  
Q Is Wilson's mother living? A No sir.  
Q What was her name? A I don't know, sir.  
Q You were not acquainted with her? A No sir.  
Q Did you ever hear whether she was a full blood, or not? A Yes sir, Wilson said his mother was a full blood Choctaw.  
Q Did you ever hear of any of Wilson's ancestors ever having lived in Indian Territory? A No sir.  
Q Do you know whether Wilson ever made application of any kind to the Commission or whether any one ever made any application for him?  
A Yes sir, I think he made application in 1899.

The records of the Commission show that on the 7th day of February, 1899, application was made before the Commission at Decatur, Mississippi, for the identification of this applicant as a Mississippi Choctaw, his name appearing on Mississippi Choctaw card Field No. 366, also on page 84 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, his name, the name of his wife Miley Mary, his daughter Miley and stepson Jim Billey appearing thereon, being numbers 1305 to 1308 respectively thereon.

- Q How far do you live from where he lives? A About nine miles.  
Q Is Wilson married? A He was married but they separated. Been separated now four or five years.  
Q What was his wife's name? A Mary Farmer.  
Q Does she live near Hays now? A Yes sir, she lives in Indian Town near Hays.  
Q Have they any children? A Yes sir, one child by Farmer.  
Q What is that child's name? A Miley.  
Q Is that all the children that Wilson and Mary had? A Yes sir.  
Q Is that child living with Wilson or its mother? A Its mother.  
Q Wilson, then, has no children with him? A No sir.  
Q He hasn't married again since he separated from Mary? A No sir.  
Q Do you know whether Wilson Farmer knew before he left for the Mississippi bottoms to pick cotton, that the Commission was at Hays?  
A Yes sir, He did know. He was at the Indian dry near Hays on the 17th and he knew we were there.  
Q Do you know whether any of his ancestors ever complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or anything about that? A No sir.  
Q Or whether any of them ever received any scrip under the act of Congress approved August 23, 1842? A No sir. If they did I don't know.  
Q Did you ever hear of any of them ever getting any money from the Government? A No sir.  
Q Or any land here in Mississippi from the Government? A No sir.  
Q Do you know anyone living who would know whether any of the ancestors of Wilson Farmer ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know.

Wilson Farmer---3

anyone who would know.

This applicant, Wilson Farmer, was interviewed by a representative of the Commission near his home, about two miles from Hays, Scott County, Mississippi, while the Commission was in session at that place, on the 16th day of November. He was then notified of the presence of the Commission at Hays. He has the appearance of being a full blood Indian; speaks and understands the Choctaw language and some English. From reliable information received by the Commission before leaving Hays, this Indian is now in the Mississippi bottoms several miles above Vicksburg, picking cotton and went there with the intention of staying until Spring. Many of the Indians living in Leake, Neshoba, Newton and Scott Counties during the Fall seasons go to the cotton district in the Yazoo and the Mississippi bottoms and work during the Fall and Winter, returning to their homes in time to make crops in the Spring.

-----

Ira S. Niles, being first duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 14th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 14th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosely*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
CHOCTAW LAND OFFICE,  
Atoka, Indian Territory, November 6, 1903.

M C R 4892.

-:-

In the matter of the application for the identification  
of Wilson Farmer, as a Mississippi Choctaw.

JACOB HOMER, Interpreter.

Additional testimony of Wilson Farmer, who being  
first duly sworn on oath states as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name ? A Wilson Farmer.  
Q How old are you ? A I think that I am about thirty eight now.  
Q What was your post office address in the state of Mississippi  
prior to your removal to the Choctaw Nation, Indian Territory ?  
A Hays, Mississippi.  
Q In what county is that ? A Scott County.  
Q What is the name of your father ? A John Farmer.  
Q Is he a full blood Choctaw ? A Yes, sir.  
Q Is he living at this time ? A No, sir, he is dead.  
Q What is the name of your mother ? A Lucy.  
Q Is she a full blood Choctaw ? A Yes, sir.  
Q Is she living or dead ? A She is dead.  
Q Do you claim to be a full blood Choctaw ? A Yes, sir.  
Q Are you married ? A No, sir.  
Q Do you know the name of your father's father ? A I do not know  
that.  
Q Do you know the name of your mother's father ? A No, sir.  
Q Do you know the name of your father's mother ? A I don't know.  
Q Do you know the name of your mother's mother ? A No, sir, I  
do not know that.  
Q You do not know any thing about your ancestors further back  
than your father and mother ? A No, sir, I don't.  
Q When did you remove from the state of Mississippi to the Choctaw  
Nation, Indian Territory ? A Last May -- the 8th day of  
last May.  
Q Prior to your removal to the Choctaw Chickasaw country had you  
always resided in the state of Mississippi ? A Yes, sir.  
Q Did you remove your household goods with you from Mississippi  
to the Choctaw Nation, Indian Territory ? A Yes, sir, I brought  
my clothing.

- Q Have you any family at all ? A Yes, sir, I was married but we separated a long time ago.
- Q Have you any children living ? A Yes, sir, one.
- Q What is the name of that child ? A Milley Farmer.
- Q What is the name of the mother of that child ? A Mary.
- Q Mary Farmer ? A Yes, sir.
- Q Is Mary Farmer living ? A Yes, sir.
- Q Where does she live at this time ? A In Mississippi, Scott County.
- Q Is Mary, your former wife, a full blood Choctaw Indian ? A Yes, sir.
- Q Do you know the name of her father and mother ? A Yes, sir, I know her father's name -- his name was Jacob Homer.
- Q Was Jacob Homer a full blood Choctaw ? A Yes, sir.
- Q And you do not know the name of her mother ? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation Indian Territory, by either, the Commission to the Five Civilized Tribes, the Choctaw tribal authorities or the United States Court in Indian Territory ? A No, sir.
- Q Did you go before the Commission at its appointment at Decatur, Mississippi, in February, 1899, and make application for the identification of yourself, your wife Mary, your minor daughter Milley, and your minor step son Jim Billy, as Mississippi Choctaws ? A I did not go myself but there was some one went for me at this time.
- Q Then did not a representative of the Commission to the Five Civilized Tribes call on you at your home near Hays, in Scott County, Mississippi, on or about the 16th day of November, 1901 ? A Yes, sir.
- Q Were these the only times that you have ever talked to the Commission about the identification of yourself and family as Mississippi Choctaws ? A Yes, sir.
- Q When you removed from the state of Mississippi to the Choctaw Nation, Indian Territory, on the 8th day of May, 1903, was that the first time that you had ever been in Indian Territory ? A Yes, sir.
- Q Did you ever make application to the Choctaw tribal authorities to have your name placed upon any of their rolls ? A No, sir, I never did.
- Q You now desire to give additional testimony in the matter of the application for the identification of yourself as a Mississippi Choctaw, do you ? A Yes, sir.
- Q Is your step son, Jim Billy, living ? A Yes, sir.
- Q Where does he live ? A In Mississippi.
- Q Have you or any of your ancestors ever received any benefits from the United States Government as Choctaws Indians under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty ? A No, sir, I never did know any thing about it.
- Q Do you know any thing about that treaty of eighteen hundred and thirty, and article fourteen thereof ? A No, sir, I dont.

This treaty of eighteen hundred and thirty, about which I have been asking you, was entered into and concluded between the United States Government and the Choctaw

tribe of Indians, on the 27th day of September of that, year -- eighteen hundred and thirty, and was ratified by the Congress of the United States on February 24, 1831. At that time the Choctaws occupied a portion of the state of Mississippi and a small part of the state of Alabama. The object of this treaty on the part of the Government was to secure, so far as possible, the removal of all the Choctaws from the country they then occupied, East of the Mississippi River, to the new country West of the Mississippi, or this country, which is now the Choctaw Nation, Indian Territory. After this treaty was made, but before it was signed it became known that a great many of the Choctaws objected to removing to the new country, and would not go the Choctaw Nation, Indian Territory, and for their benefit this article fourteen was made and put into that treaty.

That article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the date of the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservations shall include the present improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now under the terms of this 14th article those Choctaws who wanted to stay there in Mississippi and take land and become citizens of the States were entitled to do so, providing they went to the United States Indian Agent, within six months after this treaty was ratified, which was done on February 24, 1831, and signify to the Agent that they wanted to stay there, that is, let him know in some way, and then they would be entitled to take lands as I have told you.

The last clause of that article fourteen provides as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that those Indians who elected to remain back in Mississippi, and then afterwards removed to the Choctaw Nation were to be entitled to citizenship in said nation, but we not to be entitled to any of the Choctaw annuity.

Q Did you or any of your ancestors ever receive any land from the United States Government under the provisions of that article fourteen? A I never did, and I don't know about my ancestors.

A Great many of the Choctaws failed to go before the United States Indian Agent who was delegated to register them under this article, and the United States Indian Agent so authorized refused to register a great many of them, and the Indians therefore, lost their lands by having them taken from them and sold by the Government at its public land sales, and for the purpose of ascertaining what Indians had really lost their lands and for the further purpose of settling up their claims, Congress authorized Commission to be sent down into Mississippi in the years 1837 and 1842 to hear the claims of the Indians who had lost, or claimed they had lost their land.

Q Did any of your ancestors make any claim before either of these Commissions, or attempt to establish any claim under the provisions of that fourteenth article? A I don't know.

Q Then so far as you know, neither you or any of your ancestors, have ever received any benefits from the United States Government under article fourteen of the treaty of 1830? A No, sir.

Witness excused.

Applicant has the appearance of being a full blood Indians; he has a slight knowledge of the English language, but has to give his testimony through an interpreter.

-:-

Ired V. Kinkade being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the matter above referred to at Atoka, Indian Territory, November 6, 1903; that above and foregoing is a true, full and correct translation of his stenographic notes as taken therein on said date.

*Ired V. Kinkade*

Sworn to before me this 7th day of November, 1903.

*Wm. Shelby*  
Notary Public.

COPY:

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Wilson Farmer, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4392.

---: D E C I S I O N :---

It appears from the record herein that on February 6, 1899, Jim Roberts appeared before this Commission at Decatur, Mississippi and made application for the identification of Wilson Farmer, his wife, Mary Farmer, his minor step-child, Jim Billey, and his minor child, Wiley Farmer, as Mississippi Choctaws; and that on December 14, 1901, Oscar Billey appeared before this Commission at Carthage, Mississippi and made application for the identification of Wilson Farmer, as a Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw

lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears from the records of the Commission that on November 27, 1901, Mary Farmer made application for the identification of herself and her two minor children, Jim Billy and Wiley Farmer, as Mississippi Choctaws, and that on July 8, 1903, this Commission rendered its decision therein identifying said applicants.

From the evidence submitted in support of the application herein, it appears that Wilson Farmer is a full blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said

breedy, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Wilson Farmer should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Bixby.*

*Chairman.*

(SIGNED)

*T. B. Needles.*

*Commissioner.*

(SIGNED)

*W. E. Stanley.*

*Commissioner.*

*Commissioner.*

Muskogee, Indian Territory,

MAR 4 1864

COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4392

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 7, 1903.

William O. Beall,

Clerk in Charge Choctaw-Chickasaw Enrollment Division,

Dear Sir:-

There has been transmitted to the Mississippi Choctaw Legal Department for the preparation of a decision, the above numbered application, which was made by Oscar Hilley, one of the official interpreters of the Commission, on behalf of the applicant. A decision has been prepared in this case identifying the applicant as a full blood Mississippi Choctaw but it has not been attached to the record, for the reason that decisions in cases where no personal appearance was made by the applicants have been returned by the Commission, for that reason, and until the Commission determines what course it desires to pursue in this class of cases, it will be needless to complete the record by attaching the decision to the testimony and other documents, which are herewith returned to the files for such action as may be deemed necessary.

Respectfully,

*Chas. W. W. W.*



M.C.R.4392.

Muskogee, Indian Territory, September 16, 1903.

Wilson Farmer,

Reff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 8, 1903, wherein you make inquiry as to whether or not you have been identified as a full-blood Mississippi Choctaw.

You are informed that it appears from our records that on December 14, 1901, at Carthage, Mississippi, application was made by Oscar Billey, the official interpreter of the Commission, for your identification as a Mississippi Choctaw. The Commission cannot pass upon your rights as such until personal appearance has been made by you and it will therefore be necessary for you to appear before this Commission at its office at Muskogee, Indian Territory, at the earliest practicable time.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 30, 1903.

H. Van V. Smith,  
Special Agent, U. S. Government,  
Meridian, Mississippi.

Dear Sir:

As the Commission is in receipt of information that Wilson Farmer, who claims to be a full blood Mississippi Choctaw, has removed to Indian Territory, you are requested to return to this office the copy of testimony forwarded you on September 2, 1903, in the matter of the Mississippi Choctaw case of Wilson Farmer.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 9, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

The Commission to the Five Civilized Tribes, on March 4, 1904, in the matter of the application of Wilson Farmer for identification as a Mississippi Choctaw, rendered a decision identifying the applicant as a full blood Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stat. 641). A copy of this decision was on the same date forwarded to the applicant at his last known post office address, Roff, Indian Territory, and Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations at South McAlester, Indian Territory.

The Commission is now in receipt of a protest from Mansfield, McMurray, and Cornish, attorneys for the Choctaw Nation, to the action of the Commission of March 4, 1904, in identifying Wilson Farmer as a full blood Mississippi Choctaw Indian. The original record in this case, with the decision of the Commission of March 4, 1904 and the protest of the attorneys for the Choctaw and Chickasaw Nation with the exhibit thereto attached, are herewith transmitted for consideration in connection with this case.

Through the Commissioner  
of Indian Affairs.

Respectfully,

MOR 4392

Commissioner in charge.

MERIDIAN, MISSISSIPPI? October 3, 1903.

Wilson Farmer,

Hays, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 14th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

No. 84---MCR 4392

Special Agent.

Muskogee, Indian Territory, October 30, 1903.

J. G. Campbell,  
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you ask to be advised the status of the Mississippi Choctaw case of Wilson Farmer.

In reply you are informed that it appears from our records that on December 14, 1901, at Carthage, Mississippi, application was made by Oscar Billey, the official interpreter of the Commission, for the identification of Wilson Farmer as a Mississippi Choctaw. The Commission cannot pass upon his rights as such until personal appearance has been made by him and it will therefore be necessary for him to appear before this Commission either at its office at Atoka or at Muskogee, Indian Territory, at an early date, and testify in support of his claim.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 30, 1903.

Commissioner in Charge,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

Relative to the Mississippi Choctaw case of Wilson Farmer, you are advised that it appears from our records that on December 14, 1901, at Carthage, Mississippi, application was made by Oscar Billey, the official interpreter of the Commission, for the identification of Wilson Farmer as a Mississippi Choctaw.

On September 16, 1903, the Commission notified the said Wilson Farmer, at Roff, Indian Territory, in reply to a letter of inquiry from him as to the status of his case, that it would be necessary for him to appear in person before the Commission at its office at Muskogee, Indian Territory, and testify in support of his case, but no response was made to this letter.

The Commission is to-day in receipt of a letter from J. G. Campbell, Atoka, Indian Territory, asking the status of Wilson Farmer's case, and he was notified that it would be necessary for Wilson Farmer to appear before the Commission either at Atoka, or Muskogee to give additional testimony in support of his claim. For the purpose of assisting you in taking such evidence, should

-2-

the applicant appear at your office, there is herewith enclosed one copy of the testimony of Oscar Billey.

Respectfully,

Commissioner in Charge.

McM 37

Muskogee, Indian Territory, February 20, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 16, asking for a copy of the testimony of Wilson Farmer, an applicant for identification as a Mississippi Choctaw; also the status of said application.

In reply you are advised that a copy of the testimony given by Oscar Billey, at Carthage, Mississippi, December 14, 1901, in the matter of the application made for the identification of Wilson Farmer, also copy of testimony given by said Wilson Farmer at Atoka, Indian Territory, November 6, 1903, is herewith enclosed.

As to the status of this case, you are advised that the Commission has not yet rendered any decision relative to the right of this applicant to be identified as a full blood Mississippi Choctaw.

Respectfully,



Muskogee, Indian Territory, March 4, 1904.

Wilson Farmer,

Reff, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 4, 1904, identifying you as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 4, 1904, and must make proof of such removal and settlement on or before March 4, 1905, at the office of the Commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

10037 101

Commissioner in Charge.

Registered.

Enc. 4392.

COPY.

M.C.R. 4392

Muskogee, Indian Territory, March 4, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 4, 1904, identifying Wilson Farmer as a Mississippi Choctaw Indian, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Wilson Farmer as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. E. Needles.*

Commissioner in Charge.

Registered.

Enc. 4392.

See M.C.R. 1142 for registry receipt for this letter.

Muskogee, Indian Territory, March 9, 1904.

Mansfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the fifth instant inclosing protest to the action of the Commission of March 4, 1904, in identifying Wilson Farmer as a full blood Mississippi Choctaw under the provisions of the forty first section of the act of Congress of July 1, 1902.

You are advised that the original record in this case, together with the decision of the Commission of March 4, 1904, and the protest filed by you, with the exhibit attached thereto, have been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner in Charge.

LAND  
17597-1904

(Copy)

March 21, 1904.

To the Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the report of the Commission to the Five Civilized Tribes in the matter of the application of Wilson Farmer for identification as a Mississippi Choctaw wherein a decision identifying him as a full blood Mississippi Choctaw was rendered by the Commission on March 4, 1904.

The testimony of Jim Roberts, taken at Decatur, Newton County, Mississippi, on February 6, 1899, is to the effect that Wilson Farmer is a full blood. The testimony of Oscar Billey, taken at Carthage, Mississippi, on December 14, 1901, is also to the effect that he knows Wilson Farmer, his acquaintance extending back for ten or twelve years, and that he talks the Choctaw language, but very little English; is a son of John Farmer, who at that time was dead, who talked the Choctaw language and very little English; and that Wilson Farmer is a full blood Choctaw. The testimony of Wilson Farmer, taken at Atoka, Indian Territory, November 6, 1903, is to the effect that his father was John Farmer and his mother Lucy Farmer, both of whom are dead; that they were full

blood Choctaws, and he is also a full blood. His testimony was taken through an interpreter.

The attorneys for the Choctaw Nation, Messrs. Mansfield, McMurray and Cornish, protest against the favorable action of the Commission in this case, contending that Wilson Farmer is not a full blood Choctaw Indian as appears from his testimony taken in the Choctaw and Chickasaw citizenship court, February 17, 1904, in the case of Polly Hill, et al., versus the Choctaw and Chickasaw Nation. In that case Wilson Farmer was examined without the interposition of an interpreter. The question as to the blood of Wilson Farmer was merely incidental, and he having made the statement that his father was only a three-quarter blood, this examination took place:

Q. Did you testify before the Commission that you were a full blood Choctaw?

A. I can not understand it.

Q. How did they admit you as a full blood Choctaw unless you swore that you were a full blood Choctaw; did you swear before the Commission that you were a full blood Mississippi Choctaw, and got admitted in that way?

A. Yes, sir.

Q. Why did you do it when you knew you was not; why did you go there and swear to the Commission that you were a full blood when you knew that you was not a full blood--why did you do that?

--3--

A. I can not understand that.

Q. You did that to get admitted didn't you?

A. Yes sir.

Whereupon the witness was excused. The record in the original case of Wilson Farmer contains the testimony of two witnesses beside himself asserting that he is a full blood Choctaw. In another case wherein he was testifying in English of which it was also shown that he had a very limited knowledge, he stated that his father has three-quarters blood, and the examination was discontinued at such a stage as not to have fairly exhausted the subject. I am therefore of opinion that, while the preponderance of proof is to the effect that the applicant is a full blood, that a further examination should be had with reference to that fact and that the case be remanded for that purpose; which course I recommend to be pursued.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

EBH-WDW

D.C.9874-1904.  
I.T.D.2462-1904  
LRS.

(Copy)

S.C.F.  
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 25, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

March 9, 1904, you transmitted the record in the matter of the application of Wilson Farmer for identification as a Mississippi Choctaw, including your decision of March 4, 1904, holding that said applicant should be enrolled as a full blood Mississippi Choctaw.

Concurring in the recommendation of the Acting Commissioner of Indian Affairs, in his letter of March 21, 1904, the case is remanded for further investigation, in accordance with the suggestions contained in the Acting Commissioner's letter, a copy of which is enclosed. The testimony and papers attached thereto are inclosed, also protest filed by the Nation in the matter.

Respectfully,

(signed) THOS. RYAN,

Acting Secretary.

3 inclosures.

Muskogee, Indian Territory, April 6, 1904.

Wilson Farmer,

Koff, Indian Territory.

Dear Sir:

On March 4, 1904, the Commission to the Five Civilized Tribes rendered a decision identifying you as a Mississippi Choctaw, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641). On the same date, Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified of such decision and were also notified that they would be allowed fifteen days from the date of notice in which to file with the Commission such protest as they might desire to make against the action of the Commission in identifying you as a Mississippi Choctaw. On March 9, 1904, the attorneys for the Choctaw and Chickasaw Nations filed with this Commission their protest to the decision of the Commission of March 4, 1904, identifying you as a full-blood Mississippi Choctaw Indian, and on the same date the record in your case, together with the decision of the Commission and the protest filed by Messrs. Mansfield, McMurray & Cornish, was forwarded to the Sec-



W. F., 2.

retary of the Interior.

The Secretary of the Interior, with his letter of March 28, 1904, returned to this Commission the record theretofore forwarded the Department in your case, with instructions that you be allowed to introduce further testimony in support of your claim.

In accordance with the instructions above referred to, you are advised that you will be allowed up to and inclusive of Friday, May 6, 1904, within which to appear before the Commission, at its office at Muskogee, Indian Territory, for the purpose of testifying as to the amount of Choctaw blood possessed by you, notice of the taking of such testimony being first served upon Messrs. Mansfield, McKurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior, with his letter of March 25, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the Mississippi Choctaw application of Wilson Farmer with instructions that a further examination be had with reference to the amount of Choctaw blood possessed by this applicant.

In accordance with the instructions above referred to, you are informed that Wilson Farmer has this day been notified that he would be allowed up to and inclusive of Friday, May 6, 1904, within which to appear before the Commission, at its office, at Muskogee, Indian Territory, for the purpose of testifying as to the amount of Choctaw blood he possesses, notice of the taking of such testimony being first served upon you.  
Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application of Wilson Farmer for identification as a Mississippi Choctaw, M C R 4392, the Commission, on March 4, 1904, rendered a decision identifying Wilson Farmer as a full blood Mississippi Choctaw Indian under the provisions of the 41st section of the Act of Congress approved July 1, 1902 (32 Stat. 641). A copy of this decision was furnished Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations on the same date and they were advised that fifteen days would be allowed them from that date within which to file with the Commission such protest as they desired to make against the action of the Commission in identifying Wilson Farmer as a full blood Mississippi Choctaw Indian, and make satisfactory proof of service of said protest upon the applicant.

On March 9, 1904, the attorneys for the Choctaw and Chickasaw Nations filed with the Commission a protest to the decision of March 4, 1904, identifying Wilson Farmer as a full blood Mississippi Choctaw, alleging that the applicant is not a full blood Mississippi Choctaw; that on February 17, 1904, he testified before

the Choctaw and Chickasaw Citizenship Court in the case of Polly Hill, et al. vs. the Choctaw and Chickasaw Nations, that his father was a three-quarter blood Choctaw Indian. To the protest of the attorneys for the Choctaw and Chickasaw Nations there is attached a copy of the testimony of Wilson Farmer given before the Choctaw and Chickasaw Citizenship Court sitting at South McAlester, Indian Territory, February 17, 1904. A copy of the protest was forwarded Wilson Farmer by registered mail.

The record in the case, together with the decision of the Commission of March 4, 1904, identifying Wilson Farmer as a full blood Mississippi Choctaw Indian and the protest of the attorneys for the Choctaw and Chickasaw Nations was forwarded the Department on March 9, 1904.

On March 25, 1904, the Department, with its letter of that date, (I T D 2462-1904), remanded the case to the Commission in order that a further examination might be had with reference to the question as to whether Wilson Farmer is a full blood Mississippi Choctaw Indian.

In accordance with departmental instructions, the Commission, on April 6, 1904, notified Wilson Farmer, at Roff, Indian Territory, his last known post office address, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory, that it would, at its

office at Muskogee, Indian Territory, up to and inclusive of Friday, May 6, 1904, hear such testimony as might be presented relative to the amount of Choctaw blood possessed by Wilson Farmer.

At the office of the Commission at Muskogee, Indian Territory, on May 3, 1904, further proceedings were had in this matter, the applicant, Wilson Farmer, appearing in person, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, being represented by G. Rosenwinkel, an employee of their firm.

The applicant in his testimony of May 3, 1904, insists that he is a fullblood Mississippi Choctaw Indian and appears to be entirely ignorant of the reason for his appearing before the Choctaw and Chickasaw Citizenship Court at South McAlester, Indian Territory, on February 17, 1904. The applicant has every appearance of being a full blood Choctaw Indian. He has but a slight knowledge of the English language, and owing to the absence of a Choctaw interpreter at the general office of the Commission at Muskogee, Indian Territory, on May 3, 1904, it was impracticable to elicit any intelligent answers from him. He would apparently make affirmative or negative answers to any questions asked him, irrespective of their import.

Attention is invited to the fact that at the time the testimony of Wilson Farmer was taken at Atoka, Indian Territory, on

November 6, 1903, when a Choctaw interpreter was used, his answers to the questions appeared intelligent, and the entire examination was conducted in the Choctaw language. It does not appear that at the time he testified before the Choctaw and Chickasaw Citizenship Court at South McAlester, Indian Territory, on February 17, 1904, that the services of a Choctaw interpreter were utilized; the examination apparently being entirely in the English language.

The original record with the decision of the Commission of March 4, 1904, transmitted to the Department on March 9, 1904, is returned herewith, together with the pretest of the attorneys for the Choctaw and Chickasaw Nations and the additional proceedings had in the case in accordance with departmental instructions of March 25, 1904.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

McM 111

Muskogee, Indian Territory, July 6, 1904.

George Terry,

Hoff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, in which you ask to be advised whether or not Wilson Farmer is "enrolled and entitled to allotment."

You do not state in which one of the Five Tribes of Indians in Indian Territory the person concerning whom you make inquiry claims citizenship, but it is presumed that your letter refers to one Wilson Farmer, a Mississippi Choctaw.

In reply you are informed that on March 4, 1904, the Commission rendered a decision identifying Wilson Farmer as a full-blood Mississippi Choctaw, under the provisions of the 41st section of the act of Congress approved July 1, 1901, (32 Stats., 641). On March 9, 1904, Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, filed protest against the action of the Commission in identifying Wilson Farmer as a full-blood Mississippi Choctaw, and on the same date, this protest, together with the record in the case, was forwarded to the Secretary of the Interior. On March 25, 1904, the Department returned to

G. T., 2.

the Commission the record and protest theretofore forwarded it, with instructions that a further examination be had with reference to the question as to whether Wilson Farmer is a full-blood Mississippi Choctaw Indian.

At the office of the Commission, at Muskogee, Indian Territory, on May 3, 1904, further proceedings were had in this matter; applicant Wilson Farmer appearing in person, and the Choctaw and Chickasaw Nations being represented by an employe of the firm of Mansfield, McMurray & Cornish.

The original record in this case with the decision of the Commission of March 4, 1904, together with the protest of the attorneys for the Choctaw and Chickasaw Nations and the additional proceedings had in the case, in accordance with Departmental instructions of March 25, 1904, were transmitted to the Department on June 30, 1904, and the Commission has not, up to the present time, been advised of any Departmental action therein; therefore, Wilson Farmer cannot, at this time, be permitted to make selection of allotment of the lands of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, September 26, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 19th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, identifying Wilson Farmer as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641), of which decision you were advised by mail on the 4th day of March, 1904.

A copy of Departmental letter of August 19, 1904, and report of Commissioner of Indian Affairs of August 13, 1904, is herewith enclosed.

Respectfully,

Chairman.

Incl. E.M.- 26.

Muskogee, Indian Territory, September 26, 1904.

J.C. Campbell,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

you are hereby notified that on the 19th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered March 4th 1904, identifying Wilson Farmer as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Respectfully,

Chairman.

M.C.N. 4392

Luskogee, Indian Territory, September 28, 1904.

Wilson Farmer,

Roff, Indian Territory.

Dear Sir:

You are hereby notified that on the 19th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641)., of which decision you were advised by registered mail on the 4th day of March, 1904.

Respectfully,

Chairman.

Registered.

Muskogee, Indian Territory, September 30, 1904.

Wilson Farmer,

Roff, Indian Territory.

Dear Sir:

Referring to your letter of September 10, 1904, addressed to the Chickasaw Land Office, at Tishomingo, Indian Territory, you are advised that the Commission's decision of March 4, 1904, identifying you as a full-blood Mississippi Choctaw, to which a protest was filed by the attorneys for the Choctaw and Chickasaw Nations on March 9, 1904, was approved by the Secretary of the Interior on August 19, 1904. Your name will now be placed upon a schedule of duly identified Mississippi Choctaws to be forwarded to the Secretary of the Interior, and when the same is approved by him and returned to this Commission the Land Offices will be duly notified thereof and you will then be permitted to make selection of allotment of the lands in the Choctaw-Chickasaw country, Indian Territory, after first having submitted proper proof of your removal to and settlement within the Choctaw-Chickasaw country, Indian Territory.

Respectfully,

JD

Chairman.

Muskogee, Indian Territory, December 2, 1904.

Wilson Farmer,

Reff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, by reference from the Chickasaw Land Office. You ask if your name has been approved as a Mississippi Choctaw.

In reply you are informed that your name will be placed upon the next schedule of duly identified Mississippi Choctaws to be forwarded to the Secretary of the Interior for approval. When the schedule containing your name has been approved by the Secretary of the Interior and returned to the Commission, and the Choctaw and Chickasaw land offices notified thereof, you will then be permitted to make selection of allotment.

It is suggested that you make inquiry of this office in regard to this matter in the course of three or four weeks.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 29, 1904.

Wilson Farmer,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of the 23rd and 25th instant, asking if your name has been approved as a Mississippi Choctaw.

As advised in our letter to you under date of December 2, 1904, your name will be placed upon the next schedule of duly identified Mississippi Choctaws forwarded to the Secretary of the Interior. When the same is returned approved by the Department, and the land offices are notified thereof, you will then be permitted to make selection of allotment in the Choctaw-Chickasaw country, Indian Territory.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 28, 1905.

Wilson Farmer,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, asking if your name has been approved.

In reply you are informed that the schedule of duly identified Mississippi Choctaws containing your name was approved by the Secretary of the Interior on February 21, 1905. You may now appear before either the Choctaw or Chickasaw Land Office and make selection of allotment. This should be done at the earliest practicable date.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 5, 1905.

Commissioner in Charge,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 27, 1905, transmitting one copy of the testimony of Wilson Farmer, of March 27, 1905, in reference to his removal to and settlement within the Choctaw-Chickasaw country, Indian Territory. Wilson Farmer appears upon the records of the Commission on identified Mississippi Choctaw card No. 883, schedule of identified Mississippi Choctaws No. 2439.

On March 4, 1904, a decision was rendered by the Commission identifying Wilson Farmer as a full blood Mississippi Choctaw Indian. To this action of the Commission a protest was filed by the attorneys for the Choctaw and Chickasaw Nations on March 9, 1904, which was transmitted to the Secretary of the Interior together with the record and the decision of the Commission of March 4, 1904.

On March 25, 1904, the record in this case was remanded by the Secretary of the Interior for further hearing by the Commission. Such a hearing was had at the office of the Commission at



Muskogee, Indian Territory, on May 3, 1904, and on June 30, 1904, the record, together with the additional proceedings, was returned to the Department for consideration.

The Secretary of the Interior on August 19, 1904, affirmed the original decision of the Commission of March 4, 1904, identifying Wilson Farmer as a full blood Mississippi Choctaw Indian and his name was subsequently included upon a schedule of duly identified Mississippi Choctaws submitted to and approved by the Secretary of the Interior February 21, 1905.

In your letter of March 27, 1905, transmitting the testimony of Wilson Farmer relative to his removal to and settlement within the Choctaw-Chickasaw country, you request to be advised whether or not an allotment will be permitted for said Wilson Farmer inasmuch as his testimony of March 27, 1905, was submitted subsequent to one year from the date of his identification as a Mississippi Choctaw by the Commission to the Five Civilized Tribes, March 4, 1904.

On May 3, 1904, at the time of the rehearing in this case under the directions of the Secretary of the Interior, Wilson Farmer testified before the Commission at the General Office at Muskogee, Indian Territory, as follows:

- \*Q What is your name? A Wilson Farmer.  
 Q About how old are you? A Thirty-three I think.  
 Q You are the same Wilson Farmer who has heretofore made application to this Commission to be identified as a Mississippi Choctaw? A Yes sir.

- Q When did you come from Mississippi to the Indian Territory?  
 A On the eight day of May last summer.  
 Q Been here about a year then? A Yes sir.  
 Q Are you a full blood? A Yes sir, full blood.  
 Q What is your father's name? A John Farmer.  
 Q Is he a full blood? A Yes sir.  
 Q Is he living or dead? A He dead.  
 Q What is your mother's name? A Lucy.  
 Q How much Indian blood did your mother have? A Full blood."

This testimony of Wilson Farmer was submitted to the Commission subsequent to his identification as a Mississippi Choctaw,

The Act of Congress approved July 1, 1902 (32 Stats., 641), provides

"All persons duly identified by the Commission to the Five Civilized Tribes . . . . . may at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year from the date of their identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes."

I am of the opinion that Wilson Farmer has complied in every respect with the requirements of the Act of July 1, 1902, having removed to and established his residence in the Choctaw-Chickasaw country, Indian Territory, in May, 1903, and having submitted proof of his removal to and settlement within the Choctaw-Chickasaw country on May 3, 1904, less than two months from the date of his identification by the Commission as such Mississippi Choctaw.

Your office is therefore authorized and directed to permit the selection of an allotment by Wilson Farmer as a duly identified Mississippi Choctaw who has removed to and submitted proof of such removal and settlement in the Choctaw-Chickasaw country, Indian Territory, within the required time.

You will place upon identified Mississippi Choctaw card No. 883, a notation that proof of removal and settlement was submitted on May 3, 1904, at the General Office of the Commission at Muskogee.

For the records of your office there is enclosed herewith copy of the testimony of Wilson Farmer given at Muskogee, Indian Territory, May 3, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, November 22, 1906.

Wilson Farmer,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, requesting to be advised if your second wife, Maggie Farmer, can be identified as a Mississippi Choctaw.

In reply you are informed that this office is unable to locate the name of Maggie Farmer upon its records as a Mississippi Choctaw applicant. If you will state the names of her parents and the name she went by prior to her marriage to you, your letter will receive further consideration.

If Maggie Farmer has never made or attempted to make any application for identification as a Mississippi Choctaw, you are advised that there is now no authority of law for the reception of such an application.

Respectfully,

Commissioner.

M.C.R. 4392.

Muskogee, Indian Territory, March 20, 1906.

James B. Vandiver,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant in which you state that you have been informed by the United States Indian Agent that this office will soon have prepared a list of Mississippi Choctaws which will be forwarded to the Secretary of the Interior for approval. You further state that Wilson Farmer, a Mississippi Choctaw, who has selected an allotment, failed to receive his per capita payment out of the Choctaw-Chickasaw townsite funds for the year 1905, and ask if his name appears upon the list above referred to.

In reply you are advised that the name of Wilson Farmer does not appear upon the approved roll of Mississippi Choctaws upon which the present townsite per capita payment is being made. His identification as a Mississippi Choctaw was approved by the Secretary of the Interior August 19, 1904, and his name will probably appear upon the next partial roll of Mississippi Choctaw submitted to the Secretary of the Interior for approval.

Respectfully,

Acting Commissioner

One copy of the report in this case sent to County Jail Office  
on October 3, 1907.

HCH

IN RE APPLICATION OF WILSON FARTER, N.C.R. 4392.

To the Commission:

Special attention is directed to the fact that this application was made by the official interpreter of the Commission, and that his statement relative to the blood of the applicant was not made from his own information, but from hearsay and the general appearance of applicant.

No. ....

SUBPÆNA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of.....

in the..... Nation.

I, *John Cummings* do solemnly swear that I am *29* years  
of age, and that on the *30* day of *April* *1897* in the  
Nation, *Indian Territory*, I served the within Subpæna on the within named  
*William Hamm* at *OK*  
by then and there delivering a true copy of the same as said

Subscribed and sworn to before me this *30* day of

*William Hamm*  
*April 1897*  
*1824 Colbert*  
*W.S. Marshall*  
*John Cummings dep.*



I, Orin Cummings do solemnly swear that I am 29 years  
of age, and that on the 30 day of April 1904 in the Chickasaw  
Nation, Indian Territory, I served the within Subpœna on the within named  
Wilson Farmer - at PO  
by then and there delivering a true copy of the same to said

Wilson Farmer  
Subscribed and sworn to before me this 30 day of April 1904  
B. L. Colbert  
U.S. Marshal  
By Orin Cummings Dep.

No. ....

**SUBPœNA.**

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of .....

in the ..... Nation.

## Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

To Wilson Farmer, Atoka, Indian Territory.

You are hereby summoned to appear before the the Commission to the Five Civilized Tribes at  
Muskogee in the Creek Nation, Indian  
 Territory, on the 30 day of April 1904 <sup>at 9.00 o'clock AM.</sup> to testify before said Commission  
 in making rolls of citizens as provided by Act of Congress of June 28th, 1898, in the matter of the  
 application of Wilson Farmer for identification as a Mississippi Choctaw

~~for enrollment as a citizen of the~~ Nation, Indian Territory.

Herein fail not under penalty of the law.

Dated at Muskogee, I.T. this 22nd day of April 1904

  
 Commissioner.

## SUBPŒNA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*In the matter of the application for enrollment of.....*

in the ..... Nation.

I, ....., do solemnly swear that I am  
of age, and that on the ..... day of ....., 19....., in the  
Nation, Indian Territory. I served the within Subpoena on the within named  
by then and there delivering a true copy of the same to said .....  
Subscribed and sworn to before me this ..... day of ..... 19..... years

I, \_\_\_\_\_ do solemnly swear that I am \_\_\_\_\_ years  
of age, and that on the \_\_\_\_\_ day of \_\_\_\_\_, 1\_\_\_\_\_, in the  
Nation, Indian Territory, I served the within Subpoena on the within named  
\_\_\_\_\_  
by then and there delivering a true copy of the same to said

Subscribed and sworn to before me this

day of

1

No. \_\_\_\_\_

## SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of \_\_\_\_\_

in the \_\_\_\_\_ Nation.

29 APR 1894

1180

## Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

To **Wilson Farmer, Atoka, Indian Territory.**

You are hereby summoned to appear before the the Commission to the Five Civilized Tribes at  
**Muskogee** in the **Creek** Nation, Indian  
 Territory, on the **30** day of **April** **1904** at **9:00 o'clock AM**  
 to testify before said Commission  
 in making rolls of citizens as provided by Act of Congress of June 28th, 1898, in the matter of the  
 application of **Wilson Farmer for identification as a Mississippi Choctaw**

~~for enrollment as a citizen of the~~ ~~Nation, Indian Territory~~

Herein fail not under penalty of the law.

Dated at **Muskogee, I.T.** this **22nd** day of **April** **1904**

  
 Commissioner.

1556

No. 4392

For Identification as a Mississippi Choctaw.  
 Carthage, Miss.  
 Date DEC 11 1901

Name Wilson Farmer

Age 38 Blood free

Post Office, Nays, Miss.

Father: John Farmer

Mother: don't know

Claims through both parents

Wilson Farmer was husband of Mary Farmer, MER 4269, and is father of (Miley.)

Children:

(Application made by interpreter (Miley).)

Only ancestor of applicant whose name is the same as his father)

(Claims for Wilson Farmer only)

to Miss (Miley) and paid to 3.8

Applicant

Stenographer

J. I. Miles

Choctaw MCR 4393

Hendricks McMillan

See MCR 4197

MCR 4393

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
Hendricks McMillan, et as Mississippi Choctaws.

---

-oOo-

Herein is the record in the matter of the application for  
the identification of Hendricks McMillan, et al., as Mis-  
sissippi Choctaws, M.C.R. 4393.

-oOo-



4.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
Hendricks McMillan, et al., as Mississippi Choctaws, M.C.R. 4393.

--: I N D E X :--

|   | (Page) |
|---|--------|
| Original application of Hendricks McMillan, et<br>al., to the Dawes Commission for identification<br>as Mississippi Choctaws----- | 1      |
| Decision of the Commission identifying Lonie Mc-<br>Millan as a Mississippi Choctaw-----  | 5      |

-oOo-

4393.  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 14th, 1901.

In the matter of the application for the identification of  
Hendricks McMillan and his wife Lonie as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A Thirty eight years old.  
Q What is your postoffice address? A High Hill, Mississippi.  
Q In what County do you live? A Neshoba.  
Q How long have you lived there? A I have lived there ever since  
~~I was twenty-one years old.~~  
Q Where did you live before that? A I was born and raised in Leake  
County.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q What is your occupation? A I am a farmer but am official in-  
terpreter for the Commission to the Five Civilized Tribes at this  
time.  
Q Are you acquainted with a man by the name of Hendricks McMillan?  
A Yes sir.  
Q Is he any relation to you? A Brotherinlaw.  
Q He married a sister of your wife? A Yes sir.  
Q How long have you known him? A Been knowing him all his life.  
Q About how old is he? A About eighteen years old.  
Q How much Choctaw blood has he? A I reckon you might say full  
blood Choctaw. His great-granddaddy was a full blood white man and  
his own grandfather was just a half white.  
Q Then he would be five-eighths Choctaw? A Yes sir, I think so.  
Q What is his postoffice address? A Steel, Mississippi, Scott  
County.  
Q Has he always lived in the State of Mississippi? A Yes sir.  
Q What county besides Scott has he lived in? A He was born and  
raised in Leake County.  
Q Is his father living? A Yes sir.  
Q What is his name? A Wallace McMillan.  
Q How much Choctaw blood has he? A He is about-well, his father  
was a white man and he would be three-fourths.  
Q Has he always lived here in the State of Mississippi? A Yes sir.  
Q Do you know the name of his father? A William McMillan. I just  
know the name; I never know the man.  
Q He was half white and half Choctaw? A Yes sir.  
Q You never saw him? A No sir.  
Q Where did he live? A He lived in Leake.  
Q Did he live here all his life? A Yes sir.  
Q Do you know Wallace's mother's name? A No sir, I saw the old  
lady but I cant remember her name.  
Q Was she a full blood Choctaw? A Yes sir.  
Q Was her name Sallie? A Yes sir, she was an aunt of mine.  
Q Do you know the name of William McMillan's father or his mother?  
A No sir.  
Q Do you know the name of Sallie's mother or father? A No sir.  
Q How do you know that William McMillan was a half blood Choctaw?  
A That is what my father and mother told me.

- Q They were well acquainted with him, were they? A Yes sir. Wallace's father and my mother were brothers and sisters.
- Q Is Hendricks' mother living? A No sir.
- Q What was her name? A Malissa.
- Q Was she a full blood? A Yes sir.
- Q You were acquainted with her, were you? A Yes sir, I was well acquainted with her.
- Q Did she always live in Mississippi? A Yes sir.
- Q Do you know the name of either her father or her mother? A Yes sir, I knowed her mother but I cant remember the name.
- Q You cant remember the name of either of them? A No sir.
- Q Were they both full bloods? A Yes sir.
- Q Have all of the ancestors of Hendricks always lived in Mississippi so far as you know? A Hendricks' Grandmother and her husband went out to the Territory and lived out there until they died, so I have heard. They moved out there ten or fifteen years ago.
- Q Who was that? A That was Malissa's mother and step-father.
- Q Is that all of them you know of who ever went out there? A Yes sir.
- Q Do you know whether they were recognized members of the Tribe out there? A No sir, I don't know.
- Q Is Hendricks living at this time? A Yes sir.
- Q Is he married? A Yes sir.
- Q Where is he now? A He is in the Mississippi bottoms about 40 or 50 miles north of Vicksburg, picking cotton.
- Q What is the name of his wife? A Lonie.
- Q Is she a full blood Choctaw? A Yes sir.
- Q Are they living together now? A Yes sir.
- Q How old is Lonie? A About twenty-two years old.
- Q Has she always lived in Mississippi? A Yes sir.
- Q How long have they been married? A They been married four or five months. I think they were married along the last of June this year.
- Q Where did she live before she was married? A She lived with her father in Indian Town in Scott County, near Hays.
- Q Is her father living? A Yes sir.
- Q What is his name? A John Henry.
- Q Is he a full blood Choctaw? A Yes sir.
- Q Has he always lived in Mississippi? A Yes sir.
- Q Has he a Choctaw name? A Yes sir.
- Q What is it? A Harbit.
- Q Do you know the name of his father? A No sir.
- Q Or his mother? A No sir.
- Q Is Lonie's mother living? A No sir.
- Q What was her name? A I don't know, sir. She has been dead a long time.
- Q Was she a full blood Choctaw? A Yes sir, that is what her folks says.
- Q Was she the mother of your wife too? A Yes sir.
- Q So far as you know, have all of Lonie's ancestors always lived in Mississippi? A Yes sir.
- Q And they all have been full bloods? A Yes sir.
- Q How long have you known Lonie? A Known her seven or eight years.
- Q Has she any children? A No sir.
- Q Do you know whether any application was ever made for her to this Commission? A No sir, I don't think there ever was.
- Q Did you ever hear her father state whether he ever made any application, or not? A No sir, he said he never went before the Commission at all.

Hendricks McMillan et al---3

Q Do you know whether any application was ever made for Hendricks McMillan? A Yes sir, I think it was three years ago.

The records of the Commission show that on the 2nd day of February, 1899, Wallace McMillan, the father of Hendricks McMillan, appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of himself and his children, Hendricks, Leona and Fannie as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 315, also on page 77 of the schedule of Mississippi Choctaws attached to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 100 to 1103 respectively thereon.

Q Is that the only application you ever heard of having been made? A Yes sir.

Q Do you know whether any of the ancestors of either Hendricks or Lonie ever received any benefits under article 14 of the treaty of Dancing Rabbit Creek or ever complied with its provisions? A No sir.

Q Do you know whether any of them ever got any scrip from the Government under the act of Congress approved August 23, 1842? A No sir, I don't know.

Q Or whether any of them ever got any money from the Government? A No sir.

Q Whether any of them ever got any land here in Mississippi from the Government? A No sir.

Q Or whether any of them were ever recognized members of the Choctaw Tribe of Indians? A No sir, I don't know.

Q Do you know whether Hendricks McMillan knew before leaving for the Mississippi bottoms of the presence of the Commission at Hays?

A Yes sir, he did-I know.

Q How do you know? A I know Big Wiley Johnson went out to his house and notified him.

Big Wiley Johnson was a Choctaw employed by the Commission to notify ~~taxi~~ Indians of our presence there, was he not? A Yes sir.

Q Do you know just when it was that he left for the Mississippi bottoms? A He left on the 18th of November, 1901.

Q Do you know any one living, any old person, who would know whether any of the ancestors or Hendricks McMillan or his wife Lonie ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know anyone.

Neither this applicant nor his wife were ever seen by a representative of the Commission. The father of Hendricks McMillan was before the Commission and showed indications of being possessed of white blood, though his appearance would indicate that white blood predominates. The father of Lonie, his wife, has been at the office of the Commission on different occasions but always refused to make any application of any description; he is a full blood Indian.

Hendricks McMillan et al---4

Hendricks McMillan and Bonie McMillan left Scott County for the Mississippi bottoms on the 18th day of November. On the day before both John Henry and Wallace McMillan were seen by representatives of the Commission and notified of the presence of the Commission at Hays. These people together with six other families went to the Mississippi bottoms for the purpose of picking cotton during this Fall and Winter, intending to remain there until Spring.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 14th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 16th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 22, 1903.

---O---

In the matter of the application of Hendricks McMillan for the identification of himself and his wife Lonie as Mississippi Choctaws.

John Henry being first duly sworn testifies as follows through Oscar Billy interpreter:

Examination by the Commission:

- Q What is your name? A John Henry.
- Q What is your post office address? A Roff, Indian Territory.
- Q You have just removed there from Mississippi to Indian Territory? A Yes, sir.
- Q Are you a full blood Choctaw Indian? A Yes, sir.
- Q You have heretofore made application for identification as a Mississippi Choctaw? A Yes, sir.
- Q Are you acquainted with a Choctaw Indian in Mississippi Choctaw in Mississippi by the name of Hendricks McMillan? A Yes, sir.
- Q How old is he? A About twenty-one.
- Q What is his father's name? A Wallace McMillan.
- Q What is his mother's name? A She died before I knew him.
- Q Do you know how much Choctaw blood Wallace McMillan has? A One-fourth white.
- Q And the other three-fourths Choctaw? A Yes, sir.
- Q How old is Wallace McMillan now? A I don't know he would be born in about forty miles from where I lived.
- Q Was the wife of Wallace McMillan a full blood Choctaw? A Yes, sir.
- Q Then Hendricks McMillan has how much Choctaw blood? A About seven-eighths.
- Q Is Hendricks McMillan married? A Yes, sir.
- Q What is his wife's name? A Lonie.
- Q How old is Lonie? A Twenty-four.
- Q Is Lonie a full blood Choctaw? A Yes, sir.
- Q What is her father's name? A John Henry, she is my daughter.
- Q Have you a Choctaw name? A Yes, sir.
- Q What is it? A Ho-te-ubbee.
- Q What is the name of the mother of Lonie? A Mary.
- Q Was Mary a full blood Choctaw? A Yes, sir.
- Q You are a full blood Choctaw? A Yes, sir.
- Q And Lonie is a full blood Choctaw? A Yes, sir.
- Q Have Hendricks McMillan and Lonie any children? A One.
- Q How old is that child? A Just about nine days old.
- Q Is that child a boy or girl? A Boy.
- Q Do you know what the name of that child is? A Hasn't named the child yet.
- Q He lives in Mississippi? A Yes, sir.
- Q It was just born a couple of days before you left Mississippi? A Yes, sir.

- Q You are acquainted with the provisions of article fourteen of the treaty of 1830 are you not? A Yes, sir.
- Q Do you know whether any of the ancestors of Hendricks McMillan ever went to the Indian agent in Mississippi within six months after the ratification of the treaty of Dancing Rabbit Creek and signified to him their intention to remain in Mississippi take land there and become citizens of the states? A I don't know.
- Q Do you know whether any of the ancestors of Hendricks McMillan ever received any land or scrip from the government in Mississippi under article fourteen of the treaty of 1830? A I don't know that.
- Q Did any of Lonie McMillan's ancestors ever get any land under article fourteen of the treaty of 1830? A Not as I know of.
- Q So far as you know all the ancestors of Lonie McMillan have always been full blood Choctaw Indians? A Yes, sir.

---O---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken ~~in said~~ at Muskogee, Indian Territory, March 22, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 24th day of April 1903.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
Hendricks McMillan, et al., as Mississippi Choctaws, M.C.R. 4393.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 14, 1901, by Oscar Billey, for Hendricks McMillan and his wife, Lonie McMillan, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that Lonie McMillan is a full-blood Mississippi Choctaw Indian. The principal applicant herein is a mixed-blood Choctaw, and whatever rights as a Mississippi Choctaw he may possess by reason thereof will be determined at a later date.

Section forty-one of the act of Congress entitled "An Act



(2)


to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Lonie McMillan should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FREE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

MAY 18 1904

MERIDIAN, MISSISSIPPI, October 6, 1903.

Hendricks McMillan,

Steel, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 14, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

Special Agent.

No. 106--MCR 172

Meridian, Mississippi, November 30, 1903.

Hendricks, McMillan,

Steel, Mississippi.

Dear Sir-

Under date of October 6, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 14, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 106

Special Agent.

Muskegee, Indian Territory, May 18, 1904.

Lenie McMillan,  
Steel, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 18, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 18, 1904, and must make proof of such removal and settlement on or before May 18, 1905, at the office of the Commissioner at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

E. B. Ward

Commissioner in Charge.

Registered.

Incl. MUR 4393.

COPY. M.C.R. 4393

Muskogee, Indian Territory, May 18, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 18, 1904, identifying Lonie McMillan as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Lonie McMillan as a Mississippi Choctaw, and make satisfactory proof or service of said protest upon the applicant herein. If you fail to file protest within the time allowed, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.  
Incl. MCR 4393.

Muskogee, Indian Territory, July 29, 1904.

Hendricks McMillan,  
Steel, Mississippi,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Simon McMillan et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY

Muskogee, Indian Territory, October 31, 1904.

Hendricks McMillan,

Steel, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Simon McMillan, et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

SIGNED

Chairman.

Muskogee, Indian Territory, May 4, 1905.

Hendrix McMillan,

Ada, Indian Territory

*Sent to Little at Roll  
July 18*

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th ultimo, asking to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that the Secretary of the Interior on October 21, 1904, approved the Commission's decision of July 29, 1904, refusing your application for identification as a Mississippi Choctaw, of which departmental action you were notified at Steel, Mississippi, your last known post office address, on October 31, 1904.

The Commission now considers your case closed, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.



Muskogee, Indian Territory, July 18, 1905.

J. C. Little,

Attorney at Law,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that Hendrix McMillan wishes to know why his name has not yet been approved as a Mississippi Choctaw.

In reply you are informed that on October 21, 1904, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes, dated July 29, 1904, refusing the application for the identification of Hendricks McMillan as a Mississippi Choctaw. The applicant was duly notified of such departmental action by Steel, Mississippi, his last known post office address, October 31, 1904.

On May 4, 1905, this office addressed a communication to Hendrix McMillan, at Ada, Indian Territory, in response to a letter from him at that place, and said letter was returned to this office marked "unclaimed." The same is herewith enclosed.

Respectfully,

McM XX

Commissioner.

MOR 4196

MOR 4393

Muskogee, Indian Territory, January 17, 1906.

Hendricks McMillan,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 15, 1905, by reference from the Chickasaw land office. You request to be advised if you and your sister Leona have been identified as Mississippi Choctaws.

In reply you are informed that on July 29, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing to identify Wallace McMillan, Hendricks McMillan, Leona McMillan and Fannie McMillan as Mississippi Choctaws. This decision was approved by the Secretary of the Interior October 21, 1904.

It is not believed that any of the persons above named are in any manner entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and no further evidence can be received or considered in support of said claims.

Respectfully,

Commissioner.

Muskogee, Indian Territory, April 10, 1906.

Geo. H. Collins,  
Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 29, 1906, requesting to be advised the status of the Mississippi Choctaw application for the identification of Hendricks and Leona McMillan; also of one Knoxie Honer, whom you state is likely registered as a Choctaw or Mississippi Choctaw.

You state that Hendricks and Leona McMillan are full blood Choctaw Indians.

In reply you are informed that it appears from the records of this office that on July 29, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws the several persons included in the consolidated Mississippi Choctaw case of Simon McMillan, et al., of which the applications for the identification of Hendricks and Leona McMillan are a part. Of this decision all the applicants were duly notified on July 29, 1904.

On October 21, 1904, the Secretary of the Interior approved the adverse decision of the Commission in this case, and the applicants were on October 21, 1904, notified of such Departmental action.

G H O 2

Your statement - that Hendricks and Leona McMillan are full blood Mississippi Choctaw Indians, is not substantiated by the records of this office. Neither does the evidence heretofore submitted in support of their claim show that they are the descendants of an ancestor who complied with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830.

You are further advised that it does not appear from the records of this office that any application has ever been submitted by or on behalf of Knoxie Honer for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, May 24, 1906.

G. H. Collins,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, addressed to the Secretary of the Interior and by him referred to this office for reply. Therein you state that you desire to have reopened the Mississippi Choctaw applications of Hendrix and Leona McMillan; that they are full bloods and are not the direct descendants of Simon McMillan as the Commissioner seems to think.

In reply you are advised that the testimony of two witnesses on file in this office shows that Wallace McMillan, the father of Hendricks and Leona McMillan, was three fourths Choctaw and one-fourth white.

While it is true that the applications of Hendricks and Leona McMillan have been consolidated with the application of Simon McMillan, it is not contended that they are his "direct descendants", as the records show Simon McMillan to be the brother of Wallace McMillan.

If you desire to make application for a rehearing in these cases you should address a petition to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes.

The petition should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony.

Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify. y

If the applicants claim under the 14th article of the treaty of 1830, it will be necessary for them to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply with the provisions of said article. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence

G H C 3

and family associations, also their Choctaw as well as their English names.

Respectfully,

Acting Commissioner.

Muskegee, Indian Territory, July 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Simon McMillan, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of July 29, 1904, refusing to identify certain of the applicants as Mississippi Choctaws, was, on August 13, 1904, forwarded the Department.

October 21, 1904 (I T D 10680-1904), the Department affirmed the decision of said Commission rendered July 29, 1904.

June 8, 1906, this office received from G. W. Collins, Davis, Indian Territory, a joint affidavit and letter addressed to the Hon. Secretary of the Interior, requesting that a rehearing of their applications for identification as Mississippi Choctaws be granted. Said letter and affidavit are herewith transmitted.

The papers do not show proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

MCM 9/3



M C R 4196  
M C R 4197  
M C R 4393

Muskogee, Indian Territory, July 9, 1906.

G. H. Collins,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 7, 1906, transmitting the joint affidavit of Hendrix and Leona McMillan, also letter addressed to the Secretary of the Interior requesting a rehearing in the matter of their applications for identification as Mississippi Choctaws. The letter and affidavit have this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

M C R 4393

M C R 3195

Muskogee, Indian Territory, July 19, 1906.

G. H. Collins,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter dated June 22, 1906, requesting to be advised as to what disposition has been made of the Mississippi Choctaw cases of Ed Bonahan and Hendrix McMillan, and of the applications for enrollment of Mississippi Choctaw minors.

In reply you are advised that the record in the Mississippi Choctaw case of Ed Bonahan is now before the Department for final action thereon.

July 9, 1906, the papers filed by you for a rehearing in the Mississippi Choctaw case of Hendrix McMillan, et al., were forwarded to the Secretary of the Interior.

Applications for the enrollment of Mississippi Choctaw minors will receive the consideration of this office in the very near future. Should additional evidence be desired in the disposition of any such applications, written request therefor will be made.

Respectfully,

Commissioner.

M C R 4393

COPY

Muskogee, Indian Territory, November 12, 1906.

Hendricks McMillan,

Roff, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 2, 1906, denied a motion filed in this office June 8, 1906, by G. H. Collins of Davis, Indian Territory, for a re-hearing in the consolidated Mississippi Choctaw case of Simon McMillan, et al.

Respectfully,

SIGNED *Cams Bixby.*  
Commissioner.

J.P.

D. C.  
45523-06.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

I. T. D. 20558-1906.

November 2, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

October 21, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes, adverse to the claimants in the Mississippi Choctaw case of Simon McMillan et al.

July 9, 1906, you submitted a motion for rehearing in this case. The motion is defective in every material respect. It does not make out a prima facie case for investigation. In fact, it is but a mere allegation that the applicants are Indians and are entitled to identification, and can prove such allegations.

The motion is denied.

A copy of Indian Office letter of October 11, 1906, submitting your report, is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

E. A. Hitchcock.

Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 5 to Ind. Of.

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land

74644-1904.  
89945-1906.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of October 21, 1904, (I. I. T. D. 1068-1904), I have the honor to transmit herewith for your consideration a joint affidavit requesting that a rehearing of the consolidated Mississippi Chetaw case of Simon McMillan, et al., be granted for the purpose of identification as Mississippi Chetaws. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee,

WMS-KEN.

Acting Commissioner.

MUR 4393  
MUR 4196  
1842-1908

Muskogee, Oklahoma, February 18, 1908.

Mr. A. D. Thompson,  
Holberg, Oklahoma.

Sir:

Replying to your letter of February 15th you are advised that the Mississippi Choctaw applications of Wallace, Hendrix and Leona McMillan were refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior. Therefore their names do not appear upon the final rolls and they are not entitled to allotments of land in the Choctaw-Chickasaw country.

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and there is now no authority of law for the further consideration of these claims.

Respectfully,

Acting Commissioner.

McM

#1557

# For Identification as a Mississippi Choctaw.

Carthage, Miss.

DEC 11 1901

Date

Name Hendricks McMillan

Age 18

Blood 5/8

Post Office, Steel, Miss.

Father: Wallace McMillan (74) L

Mother: Melissa (full) d

Claims through both parents

Wife Lonie McMillan (full) 22 L

Father John Henry (Har-bil) L

Mother don't know d

(Claims for self & wife.)

Children:

He 7 mos. (no. one from 10 1/2 15

appeared since 2/7/00)

Application made by interpreter

(in writing)

(Name of no one to give except

John Henry)

Name of 7 adopted

McMillan on father's side

W. McMillan (full)

Stenographer

E. J. Niles.

Choctaw MCR 4394

John Henry

Trans To MCR 7195

Jacket Empty

MCR 4394



FOR IDENTIFICATION AS B. 4394  
A. M. C. DEL. PI. CHOOTAW

*Dehewahewah, et al*

CANCELLED

*Record transferred to  
B. 4395*

CANCELLED

RECEIVED

*Record transferred to  
B. 4395*

Choctaw MCR 4395

Wallace Henry

Trans To MCR 7196

Jacket Empty

MCR 4395

FOR CANCELLATION WAS R. 4395

MESSENGER CHOCOTAW

*Wallace Henry et al*

CANCELLED

*Record transferred to*

*M.G.A. 7196. MAR - 1 1906*

*full paid*

CANCELLED

*paid for by for 1/2 of 1/2*

Choctaw MCR 4396

Henry Willis

MCR 4396

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of  
Henry Willis, et al., as Mississippi Choctaws.

-cOo-

Herein is the record in the matter of the application for  
the identification of Henry Willis, et al., as Mississippi  
Choctaws, M.C.R. 4396.

-cOo-

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
Henry Willis, et al., as Mississippi Choctaws, M.C.R. 4396.

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-oOo-

4396.  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 14th, 1901.

In the matter of the application of Henry Willis, represented by Oscar Billey, for the identification of himself, his wife Mary, and minor children, Hugh, Sockey, Lottie, Becky and Purlan Willis, as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A Thirty-eight years old.  
Q What is your postoffice address? A High Hill, Mississippi.  
Q In what county do you live? A Neshoba.  
Q How long have you lived there? A I have lived there ever since I was twenty-one years old.  
Q Where did you live before that? A I was born and raised in Leake County.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q What is your occupation? A I am a farmer but am now official interpreter to the Commission to the Five Civilized Tribes.  
Q Are you acquainted with a man by the name of Henry Willis? A Yes sir.  
Q Is he living? A Yes sir, he was about three weeks ago.  
Q Where does he live? A He lives about two miles from Hays.  
Q In Scott County? A Yes sir.  
Q What is his postoffice address? A Piketon.  
Q Is he a full blood Choctaw Indian? A Yes sir.  
Q About how old do you think he is? A I spect he is about fifty-two or fifty-three years old.  
Q How long have you known him? A I been knowing him about fourteen or fifteen years. Known him long time.  
Q Is he any relation to you? A No sir.  
Q Has he always lived in Mississippi? A Yes sir, so far as I know, he has.  
Q Is his father living? A No sir.  
Q What was his name? A I don't know, sir.  
Q Is his mother living? A No sir.  
Q What was her name? A I don't know, sir.  
Q Do you know the name of any of his ancestors? A No sir, I do not.  
Q You are quite sure he is a full blood, are you? A Yes sir.  
Q Does he speak and understand the Choctaw language? A Yes sir.  
Q Any English? A Very little English.  
Q Does he associate entirely with the Choctaws? A Yes sir, with the Choctaws.  
Q Is he married? A Yes sir.  
Q Is his wife living? A Yes sir.  
Q What is her name? A Mary.  
Q About how old is she? A I spect she is forty-five years old.  
Q Are they living together? A Yes sir.  
Q Is she a full blood Choctaw? A Yes sir.  
Q How long have you known her? A I been knowing her about ten or

- Q Does she speak and understand the Choctaw language? A Yes sir.
- Q Any English? A Very little English.
- Q Associates entirely with the Choctaws, does she? A Yes sir.
- Q Is her father living? A No sir.
- Q What was his name? A I don't know.
- Q Has she always lives in Mississippi, herself? A Yes sir.
- Q Is her mother living? A No sir.
- Q What was her name? A I don't know, sir.
- Q Did you ever see either of her parents? A No sir.
- Q Do you know the names of any of her grandparents? A No sir, I do not.
- Q Have they any children? A Yes sir, they have five children living. Their names are, as I am informed, Hugh, Sookey, Lottie, Becky and Purlan.
- Q These children are living with their parents, are they now? A Yes sir.
- Q Where are they now? A They are in the Mississippi bottoms, forty or fifty miles above Vicksburg, picking cotton.
- Q When did they go there? A On the 18th of November.
- Q Do you know whether Henry Willis knew at that time that the Commission was at Hays? A Yessir, I saw him myself on the 13th of November.
- Q You notified him of the fact? A Yes sir and I saw him at old man John Henry's house. He refused to appear before the Commission.
- Q How long was that before he left for the Mississippi bottoms? A That was on the 13th.
- Q He took his family all with him, did he? A Yes sir.
- Q Are these five children all the children of Henry and Mary Willis? A Yes sir.
- Q Do you know how old Hugh is? A About eighteen years old.
- Q Not married? A No sir.
- Q Do you know how old the next one is, sookey? A About sixteen years old.
- Q Do you know how old the other three are? A No sir, I don't know how old the other three are. I spect about fourteen, twelve and ten, somewhere along there. Look like about two years difference in ages.
- Q You know all these children, do you? A Yes sir.
- Q Do you know whether any application of any kind has ever been made for Henry or his wife or any of these children to the Commission? A No sir.
- Q Did you ever hear him say whether he ever made any application? A No sir, never did hear him say.
- Q Do you know whether any of his ancestors or any of his wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the Treaty of Dancing Rabbit Creek or ever received any benefits under it? A No sir.
- Q Do you know whether any of them ever received any scrip from the Government under the act of Congress approved August 23, 1842? A I don't know, sir.
- Q Do you know whether any of them were ever recognized members of the Choctaw Tribe? A I don't know, sir.
- Q Or ever received any benefits as such? A I don't know, sir.
- Q Did you ever hear of any of them having lived in Indian Territory? A No sir, I have not.
- Q Do you know anyone living who would likely know whether any of the ancestors of either of these persons ever



Henry Willis et al---3

to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of anyone that would know about that.

The records of the Commission fail to disclose that any application has ever been made to the Commission in behalf of any of these persons. As is disclosed by the testimony of Oscar Billey, Henry Willis had knowledge of the presence of the Commission at Hays, Mississippi, but refused to appear before us. He and his family together with six other families living in the vicinity of Hays, left on the 18th of November for the Mississippi bottoms, about forty miles above Vicksburg, to pick cotton, expecting to remain until Spring.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 14th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 17th day of December, 1901, at Carthage, Mississippi.

*L. D. Masley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 22, 1903.

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In the matter of the application of Henry Willis, et al  
M.C.R. 4396.

John Henry being first duly sworn testifies as follows through  
Oscar Billy intrepeter:

Examination by the Commission:

- Q What is your name? A John Henry.
- Q What is your age? A Sixty-seven.
- Q What is your post office address? A Roff, Indian Territory.
- Q You have just removed from the state of Mississippi to the Indian Territory have you? A Yes, sir.
- Q You are a full blood Choctaw Indian? A Yes, sir.
- Q And heretofore made application for identification as a Mississippi Choctaw? A Yes, sir.
- Q Do you know a Choctaw Indian who lived at Picketon, Mississippi by the name of Henry Willis? A Yes, sir.
- Q About how old is he? A Fifty-three.
- Q Have you known Henry Willis a long time? A Yes, sir.
- Q Is he a full blood Choctaw Indian? A Yes, sir.
- Q What is his father's name? A Il-lo-nubbee.
- Q Is Il-lo-nubbee living? A No.
- Q Do you know the mother of Henry Willis? A No, sir.
- Q Was Il-lo-nubbee a full blood Choctaw? A Yes, sir.
- Q And was his wife the mother of Henry Willis a full blood Choctaw? A Yes, sir.
- Q Did you know Il-lo-nubbee and his wife when they were alive? A Yes, sir I knew them but I forgot her name.
- Q But you know that she was a full blood Choctaw Indian? A Yes, sir.
- Q What is the name of the wife of Henry Willis? A Mary.
- Q Is she a full blood Choctaw Indian? A Yes, sir.
- Q Do you know what her father's name is? A Sam.
- Q Any other name? A Just Sam.
- Q What was her mother's name? A Him-ah-kah-timah.
- Q Is Sam living? A No, sir.
- Q Is Him-ah-kah-timah dead? A Yes, sir.
- Q Was Sam a full blood Choctaw Indian? A Yes, sir.
- Q And Him-ah-kah-timah was a full blood Choctaw Indian? A Yes, sir.
- Q You are acquainted with the provisions of article fourteen of the treaty of Dancing Rabbit Creek are you not? A Yes, sir, I do now.
- Q Do you know whether any of the ancestors of Henry Willis or Mary Willis appeared before the Indian Agent in Mississippi within six months after the ratification of the treaty of Dancing Rabbit Creek and told him they wanted to stay in Mississippi take land there and become citizens of the states? A I don't know

- Q Do you know whether any of the ancestors of Henry Willis or Mary Willis ever received any land from the government in Mississippi under the provisions of article fourteen of the treaty of 1830?  
A I don't know.
- Q So far as you know the ancestors of Henry Willis and Mary Willis have always been full blood Choctaw Indians? A Yes, sir.
- Q What relation are you to Mary Willis? A She is my niece.
- Q Was Him-ah-kah-timah your sister? A Yes, sir.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 22, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 24th day of April 1903.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification of Henry Willis, et al., as Mississippi Choctaws, H.C.R. 4396.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on December 14, 1901, by Oscar Riley, for Henry Willis, his wife, Mary Willis, and his five minor children, Hugh, Sookee, Lottie, Becky and Purlan Willis, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians and for other purposes," approved July 1, 1902,

Choctaw MCR 4396

Henry Willis

MCR 4396

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification of  
Henry Willis, et al., as Mississippi Choctaws.

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Herein is the record in the matter of the application for  
the identification of Henry Willis, et al., as Mississippi  
Choctaws, M.T.B. 4396.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification of  
Henry Willis, et al., as Mississippi Choctaws, W.C.R. 4396.

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4396.  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 14th, 1901.

In the matter of the application of Henry Willis, represented by Oscar Billey, for the identification of himself, his wife Mary, and minor children, Hugh, Sooke, Lottie, Becky and Purlan Willis, as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A Thirty-eight years old.  
Q What is your postoffice address? A High Hill, Mississippi.  
Q In what county do you live? A Neshoba.  
Q How long have you lived there? A I have lived there ever since I was twenty-one years old.  
Q Where did you live before that? A I was born and raised in Leake County.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q What is your occupation? A I am a farmer but am now official interpreter to the Commission to the Five Civilized Tribes.  
Q Are you acquainted with a man by the name of Henry Willis? A Yes sir.  
Q Is he living? A Yes sir, he was about three weeks ago.  
Q Where does he live? A He lives about two miles from Hays.  
Q In Scott County? A Yes sir.  
Q What is his postoffice address? A Piketon.  
Q Is he a full blood Choctaw Indian? A Yes sir.  
Q About how old do you think he is? A I spect he is about fifty-two or fifty-three years old.  
Q How long have you known him? A I been knowing him about fourteen or fifteen years. Known him long time.  
Q Is he any relation to you? A No sir.  
Q Has he always lived in Mississippi? A Yes sir, so far as I know, he has.  
Q Is his father living? A No sir.  
Q What was his name? A I don't know, sir.  
Q Is his mother living? A No sir.  
Q What was her name? A I don't know, sir.  
Q Do you know the name of any of his ancestors? A No sir, I do not.  
Q You are quite sure he is a full blood, are you? A Yes sir.  
Q Does he speak and understand the Choctaw language? A Yes sir.  
Q Any English? A Very little English.  
Q Does he associate entirely with the Choctaws? A Yes sir, with the Choctaws.  
Q Is he married? A Yes sir.  
Q Is his wife living? A Yes sir.  
Q What is her name? A Mary.  
Q About how old is she? A I spect she is forty-five years old.  
Q Are they living together? A Yes sir.  
Q Is she a full blood Choctaw? A Yes sir.  
Q How long have you known her? A I been knowing her about ten or twelve years.
- 1



- Q Does she speak and understand the Choctaw language? A Yes sir.
- Q Any English? A Very little English.
- Q Associates entirely with the Choctaw, does she? A Yes sir.
- Q Is her father living? A No sir.
- Q What was his name? A I don't know.
- Q Has she always lived in Mississippi, herself? A Yes sir.
- Q Is her mother living? A No sir.
- Q What was her name? A I don't know, sir.
- Q Did you ever see either of her parents? A No sir.
- Q Do you know the names of any of her grandparents? A No sir, I do not.
- Q Have they any children? A Yes sir, they have five children living. Their names are, as I am informed, Hugh, Sookkey, Lottie, Becky and Purlan.
- Q These children are living with their parents, are they now? A Yes sir.
- Q Where are they now? A They are in the Mississippi bottoms, forty or fifty miles above Vicksburg, picking cotton.
- Q When did they go there? A On the 18th of November.
- Q Do you know whether Henry Willis knew at that time that the Commission was at Hays? A Yes sir, I saw him myself on the 13th of November.
- Q You notified him of the fact? A Yes sir and I saw him at old man John Henry's house. He refused to appear before the Commission.
- Q How long was that before he left for the Mississippi bottoms? A That was on the 13th.
- Q He took his family all with him, did he? A Yes sir.
- Q Are these five children all the children of Henry and Mary Willis? A Yes sir.
- Q Do you know how old Hugh is? A About eighteen years old.
- Q Not married? A No sir.
- Q Do you know how old the next one is, sookkey? A About sixteen years old.
- Q Do you know how old the other three are? A No sir, I don't know how old the other three are. I expect about fourteen, twelve and ten, somewhere along there. Look like about two years difference in ages.
- Q You know all these children, do you? A Yes sir.
- Q Do you know whether any application of any kind has ever been made for Henry or his wife or any of these children to the Commission? A No sir.
- Q Did you ever hear him say whether he ever made any application? A No sir, never did hear him say.
- Q Do you know whether any of his ancestors or any of his wife's ancestors ever complied or attempted to comply with the provisions of article 14 of the Treaty of Dancing Rabbit Creek or ever received any benefits under it? A No sir.
- Q Do you know whether any of them ever received any scrip from the Government under the act of Congress approved August 23, 1842? A I don't know, sir.
- Q Do you know whether any of them were ever recognized members of the Choctaw Tribe? A I don't know, sir.
- Q Or ever received any benefits as such? A I don't know, sir.
- Q Did you ever hear of any of them having lived in Indian Territory? A No sir, I have not.
- Q Do you know anyone living who would likely know whether any of the ancestors of either of these persons ever complied or attempted

Henry Willis et al--3

to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know of anyone that would know about that.

The records of the Commission fail to disclose that any application has ever been made to the Commission in behalf of any of these persons. As is disclosed by the testimony of Oscar Billey, Henry Willis had knowledge of the presence of the Commission at Hays, Mississippi, but refused to appear before us. He and his family together with six other families living in the vicinity of Hays, left on the 18th of November for the Mississippi bottoms, about forty miles above Vicksburg, to pick cotton, expecting to remain until Spring.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 14th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 17th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 22, 1903.

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In the matter of the application of Henry Willis, et al  
M.C.R. 4396.

John Henry being first duly sworn testifies as follows through  
Oscar Billy intrepeter:

Examination by the Commission:

- Q What is your name? A John Henry.  
Q What is your age? A Sixty-seven.  
Q What is your post office address? A Roff, Indian Territory.  
Q You have just removed from the state of Mississippi to the Indian Territory have you? A Yes, sir.  
Q You are a full blood Choctaw Indian? A Yes, sir.  
Q And heretofore made application for identification as a Mississippi Choctaw? A Yes, sir.  
Q Do you know a Choctaw Indian who lived at Piketon, Mississippi by the name of Henry Willis? A Yes, sir.  
Q About how old is he? A Fifty-three.  
Q Have you known Henry Willis a long time? A Yes, sir.  
Q Is he a full blood Choctaw Indian? A Yes, sir.  
Q What is his father's name? A Il-lo-nubbee.  
Q Is Il-lo-nubbee living? A No.  
Q Do you know the mother of Henry Willis? A No, sir.  
Q Was Il-lo-nubbee a full blood Choctaw? A Yes, sir.  
Q And was his wife the mother of Henry Willis a full blood Choctaw? A Yes, sir.  
Q Did you know Il-lo-nubbee and his wife when they were alive? A Yes, sir I knew them but I forgot her name.  
Q But you know that she was a full blood Choctaw Indian? A Yes, sir.  
Q What is the name of the wife of Henry Willis? A Mary.  
Q Is she a full blood Choctaw Indian? A Yes, sir.  
Q Do you know what her father's name is? A Sam.  
Q Any other name? A Just Sam.  
Q What was her mother's name? A Him-ah-kah-timah.  
Q Is Sam living? A No, sir.  
Q Is Him-ah-kah-timah dead? A Yes, sir.  
Q Was Sam a full blood Choctaw Indian? A Yes, sir.  
Q And Him-ah-kah-timah was a full blood Choctaw Indian? A Yes, sir.  
Q You are acquainted with the provisions of article fourteen of the treaty of Dancing Rabbit Creek are you not? A Yes, sir, I do now.  
Q Do you know whether any of the ancestors of Henry Willis or Mary Willis appeared before the Indian Agent in Mississippi within six months after the ratification of the treaty of Dancing Rabbit Creek and told him they wanted to stay in Mississippi take land there and become citizens of the states? A I don't know about that.

- Q Do you know whether any of the ancestors of Henry Willis or Mary Willis ever received any land from the government in Mississippi under the provisions of article fourteen of the treaty of 1830?  
A I don't know.
- Q So far as you know the ancestors of Henry Willis and Mary Willis have always been full blood Choctaw Indians? A Yes, sir.
- Q What relation are you to Mary Willis? A She is my niece.
- Q Was Him-ah-kah-timah your sister? A Yes, sir.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 22, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 24th day of April 1903.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
Henry Willis, et al., as Mississippi Choctaws, T.C.R. 4396.

---: D E C I S I O N :---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on December 14, 1901, by Oscar Billey, for Henry Willis, his wife,  
Mary Willis, and his five minor children, Hugh, Sookekey, Lottie,  
Becky and Purlan Willis, under the following provision of the act  
of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

From the evidence submitted in support of said application  
it appears that all the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
to ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians and for other purposes," approved July 1, 1902,  
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations

September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Henry Willis, Mary Willis, Hugh Willis, Sookekey Willis, Lottie Willis, Becky Willis and Purlan Willis should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

Commissioner.

MAY 1904

MERIDIAN, MISSISSIPPI? October 1, 1903.

Henry Willis,

Piketon, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 14th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of eight A. M. and six P. M.

Very respectfully,

No. 70---M C R 4396.

Special Agent

Meridian, Mississippi, November 25, 1903.

Henry Willis,

Piketon, Mississippi.

Dear Sir-

Under date of October 1, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 14th, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of eight a.m. and six p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 70.

Special Agent.



Muskogee, Indian Territory, March 11, 1904.

Henry Lewis,

Piketon, Mississippi.

Dear Sir:

It appears from the records of the Commission that on December 14, 1901, Oscar Billey appeared before this Commission at Carthage, Mississippi, and made application for you and your wife and minor children as Mississippi Choctaws.

Oscar Billey, at that time, was unable to give the names of your parents, or the parents of your wife, and in order to secure this information in proper form there is enclosed you herewith an affidavit in interrogatory form, which you are directed to take before some notary public and answer under oath the questions therein propounded and return the same to this Commission, in the enclosed envelope, which requires no postage, at your earliest convenience.

This matter should receive your prompt attention.

Respectfully,

Enc. JD -4  
& Env.

Commissioner in Charge.

Muskegee, Indian Territory, May 18, 1904.

Henry Willis,

Piketon, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 18, 1904, identifying you, your wife Mary Willis, and children, Hugh, Sockey, Lottie, Becky and Furlan Willis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 18, 1904, and must make proof of such removal and settlement on or before May 18th, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

W. B. BRY

Commissioner in Charge.

Registered.

Incl. MCR 4396.

COPY,

Muskogee, Indian Territory, May 18, 1904.

Oscar Billey,

Roff, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 18, 1904, rendered its decision identifying Henry Willis, his wife Mary Willis, and children Hugh, Sookkey, Lottie, Becky and Purlan Willis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 18, 1904, and must make proof of such removal and settlement on or before May 18, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Commissioner in Charge.

M.C.R. 4396

COPY.

Muskogee, Indian Territory, May 18, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 18, 1904, identifying Henry Willis, his wife Mary Willis, and children Hugh, Seekey, Lottie, Becky and Purlan Willis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Henry Willis, wife and children, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,  
(SIGNED)

*T. B. Needles*

Registered.

Commissioner in Charge.

Incl. MCR 4396. (See MCR 4090 for registry receipt for this letter.)

Muskogee, Indian Territory, April 28, 1905.

Hugh Willis,

Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you ask what action has been taken by the Secretary on your application for identification as a Mississippi Choctaw. You state that you have arrived at the age of twenty-one and desire to get settled on your allotment.

In reply you are informed that it appears from our records that on May 18, 1904, the Commission to the Five Civilized Tribes rendered a decision identifying Henry Willis, his wife Mary, and their minor children, Hugh, Sockey, Lottie, Becky and Purlan Willis, as full blood Mississippi Choctaws, their names appearing upon a schedule of duly identified Mississippi Choctaws opposite numbers 2192, 2193, 2194, 2195, 2196, 2197 and 2198, respectively, approved by the Secretary of the Interior on July 2, 1904.

You are advised that if you will appear at either the Choctaw or Chickasaw land office prior to May 18, 1905, and submit satisfactory proof of removal to and settlement in the Choctaw-Chickasaw country, Indian Territory, you may then select an allot-

Hugh Willis 2

ment of the lands of the Choctaws and Chickasaws.

If you do not appear at either of the land offices before May 15, 1905, which is one year from the date of your identification by the Commission as a Mississippi Choctaw, and submit proof of your removal and settlement as required by the provisions of the 41st section of the Act of Congress approved July 1, 1902 (32 Stat., 641), such rights as were guaranteed you by the Commission's decision of May 18, 1904, will expire by limitation.

It is suggested that you appear at the land office at the earliest practicable date.

Respectfully,

Chairman.

DEC 11 1901

Age 52      Blood free

Father: dont know d

Mother: " " d

wife Mary Willis (full) 45

Father — don't know —

Mother " " " " " " " "  
 (Claims for self, wife "and" "children")

**Children:**

Hugh Miller 18

Sokey " 16

Lottie " 14

Becky 12

Purlan " 10

October 1, 1911

there, ...

L. A. Miles

Choctaw. MCR 4397

George Cooper

MCR 4397



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
George Cooper, as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for  
the identification of George Cooper, as a Mississippi  
Choctaw, M.C.R. 4397.

-oOo-

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of  
George Cooper, as a Mississippi Choctaw, M.C.R. 4397.

---: I N D E X :--

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| Original application of George Cooper to the<br>Dawes Commission for identification as a<br>Mississippi Choctaw----- | 1      |
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-cOo-

4394  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 14th, 1901.

In the matter of the application of George Cooper, represented by Oscar Billey, for the identification of himself as a Mississippi Choctaw.

Oscar Billey, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A I am thirty eight years old.  
Q What is your postoffice address? A High Hill, Mississippi.  
Q In what County do you live? A Neshoba.  
Q How long have you lived there? A I have lived there ever since I was twenty-one years old.  
Q Where did you live before that? A I was born and raised in Leake County.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q What is your occupation? A I am a farmer but I am now official interpreter to the Commission to the Five Civilized Tribes.  
Q Are you acquainted with a man by the name of George Cooper? A Yes sir.  
Q Is he living? A Yes sir.  
Q How old a man is he? A I spect he is fifty-seven or fifty-eight years old.  
Q How much Choctaw blood has he? A Full blood Choctaw. I take him to be full blood Choctaw.  
Q Where does he live? A In Scott County.  
Q What is his postoffice address? A Piketon.  
Q How long has he lived in Scott County? A I spect he lived there twenty-five years.  
Q Where did he live before that? A Lived in Newton up to that time.  
Q He has lived in Mississippi all his life, has he? A Yes sir.  
Q How long have you known him? A I been knowing him fifteen or twenty years.  
Q Does he speak and understand the Choctaw language? A Yes sir.  
Q Associates entirely with the Choctaws? A Yes sir.  
Q You are sure he is a full blood, are you? A Yes sir.  
Q Is his father living? A No sir.  
Q What was his name? A I don't know, sir.  
Q Is his mother living? A No sir.  
Q What was her name? A I don't know, sir.  
Q Did you ever see either of them? A No sir, never did see either of them.  
Q Do you know the names of any of George's ancestors? A No sir.  
Q Have all of his people always lived here in Mississippi so far as you know? A Yes sir.  
Q Is he married? A Yes sir, he was married; him and his wife been separated about twelve years.  
Q Is she living? A Yes sir.  
Q What is her name? A Jennie Cooper.  
Q Is she a full blood Choctaw? A Yes sir.  
Q Where does she live? A She lives two miles from Conehatta.

George Cooper---2

- Q Is she, the Jennie Cooper who appeared before the Commission at Conehatta, Mississippi, during its appointment there this Fall?  
A Yes sir.
- Q Have they any children living? A Yes sir.
- Q How many? A Four.
- Q Are any of them minors? A Yes sir one minor.
- Q What is his name? A Gaston.
- Q Do the children live with George or Jennie? A With Jennie.
- Q No member of his family lives with him then? A No sir.
- Q Where is he at this time? A He is in the Mississippi bottoms about Vicksburg forty or fifty miles picking cotton.
- Q When did he go there? A He left to go there on the 18th of last November.
- Q Do you know whether he had knowledge before leaving Scott County of the presence of the Commission at Hays? A Yes sir he did.
- Q How do you know? A Well, sir, because I told old man John Henry to tell him. I went up there to see him but didn't see him myself and I told John Henry to tell him.
- Q He went to the Mississippi bottoms in the same party with John Henry, did he? A Yes sir.
- Q Do you know whether any of the ancestors of George Cooper ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A No sir.
- Q Do you know whether any of them ever received any scrip from the Government under the act of Congress approved August 23, 1842? A No sir, not that I ever heard.
- Q Or whether any of them ever received any money from the Government? A No sir.
- Q Or ever received any land here in Mississippi from the Government? A I don't know, sir.
- Q Whether any of them were ever recognized members of the Choctaw Tribe? A I don't know, sir.
- Q Whether any of them ever lived in Indian Territory? A I don't know, sir.
- Q Do you know anyone living who would likely be informed on this point? A No sir, I do not.
- Q Do you know whether George Cooper ever made any application of any kind to the Commission? A No sir, I don't think he ever did.

The records of the Commission fail to disclose that any application of any description was ever made to the Commission by George Cooper or any one else in his behalf. He was never seen by a member of the Commission or a representative of the Commission but there can be no doubt that he had knowledge of our presence at Hays prior to his departure on the 18th of November for the Mississippi bottoms. As disclosed by the testimony of Interpreter Billey, he is a full blood Indian, speaks and understands the Choctaw language and some English.

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Ira S. Niles, being first duly sworn, states that as stenogra-

George Cooper---3

pher to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 14th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*L. B. Mosely*  
Subscribed and sworn to before me this the 17th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosely*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 22, 1903.

--- 0 ---

In the matter of the application of George Cooper for identification as a Mississippi Choctaw, M.C.T. 4397.

John Henry being first duly sworn testifies as follows:, through Oscar Billy interpreter:

Examination by the Commission:

- Q What is your name? A John Henry.  
Q What is your age? A I bin sixty-seven.  
Q What is your post office address? A Roff, Indian Territory.  
Q How long have you lived at Roff? A Just come there.  
Q Where have you been living? A Been living in Scott county Mississippi.  
Q You are a full blood Choctaw? A Yes, sir, full blood Choctaw.  
Q You have prior to this made application for identification as a Mississippi Choctaw? A Yes, sir.  
Q Are you acquainted with a Choctaw Indian named George Cooper? A Yes, sir.  
Q How old is George Cooper? A About fifty-seven.  
Q What is his post office address? A Piketon, Mississippi.  
Q Is he a full blood Choctaw Indian? A Full blood Choctaw.  
Q What is his father's name? A Ben Cooper.  
Q Did he have a Choctaw Indian name? A Is-ta-ma-chubbee.  
Q Was Ben Cooper a full blood Choctaw Indian? A Yes, sir, full blood Choctaw.  
Q What is George Cooper's mother's name? A Betsey.  
Q Is Betsey living? A No, sir.  
Q Did she have a Choctaw Indian name? A Yes, sir.  
Q Do you know what that name was? A Hoyo.  
Q Was she a full blood Choctaw Indian? A Yes, sir.  
Q Is Ben Cooper living? A No, sir.  
Q Both Ben Cooper and Betsey the parents of George were full blood Choctaw Indians? A Yes, sir.  
Q Do you know whether any of the ancestors of George Cooper ever received any benefits under article fourteen of the treaty of 1830? A Not that I know of.  
Q Do you understand article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you know whether any of the ancestors of George Cooper ever received any scrip from the government which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas in lieu of land which they had occupied there but which the government had sold? A No, sir.  
Q But you are sure that all the ancestors of George Cooper are full blood Choctaw Indians? A Yes, sir.  
Q Does George Cooper speak and understand the Choctaw language? A Yes, sir.

4397-2

Q Does he talk English? A Talks some English.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Five Civilized Tribes, he reported the proceeding had in the above entitled cause taken at Muskogee, Indian Territory, March 22, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 24th day of April 1903.

*Charles D. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
George Cooper, as a Mississippi Choctaw, M.C.R. 4397.

---: D E C I S I O N :---

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission on December 14, 1901, by Oscar Billey for George Cooper,-under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant herein is a full-blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations



(2)

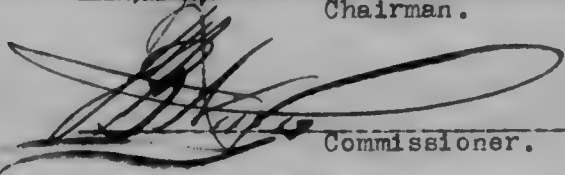
September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that George Cooper should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE ~~THE~~ CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

&  
Commissioner.

MAY 18 1904

MERIDIAN, MISSISSIPPI, September 30, 1903.

George Cooper,

Piketon, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 14th, 1901, application was made for the identification of yourself and family as Choctaw Indians.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw--Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

Special Agent.

No. 65  
M C R 4397.

Meridian, Mississippi, November 23, 1903.

George Cooper,

Piketon, Mississippi.

Dear Sir-

Under date of September 30, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 14th, 1901, application was made for the identification of yourself and family as Choctaw Indians.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 65.

Special Agent.

Muskogee, Indian Territory, May 18, 1904.

George Cooper,

Piketon, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 18, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 18, 1904, and must make proof of such removal and settlement on or before May 18, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Commissioner in Charge.

Incl. MCR 4397.

Muskogee, Indian Territory, May 18, 1904.

Oscar Billey,

Koff, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 18, 1904, rendered its decision identifying George Cooper as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 18, 1904, and must make proof of such removal and settlement on or before May 18, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

W. H. H. H.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, May 18, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 18, 1904, identifying George Cooper as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said George Cooper as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file protest within the time allowed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. B. Needles*

Commissioner in Charge.

Registered.

Incl. MCR 4397.

(See MCR 4090 for registry receipt for this letter).

Muskogee, Indian Territory, August 27, 1904.

Postmaster,

Piketon, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you state that George Cooper refuses to receipt for a registered letter at your office addressed to him from this Commission, and ask what disposition you shall make of said letter.

In reply you are informed that you may return the above mentioned letter to this office.

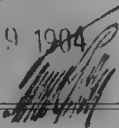
Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

SEP - 9 1904



CHAS. E.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

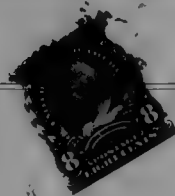
*Returned*

MUSKOGEE IND. TER.  
MAY 1 8 1904  
REGISTERED

*No 3  
5*

George Cooper,

Okaton, Mississippi.



1904



For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date

DEC 14 1901

Name

George Cooper

Age

57

Blood

Full

Post Office,

Piketon, Miss.

Father:

Don't

know

d

Mother:

"

"

d

Claims through both parents.

(Claims for wife only)

Children:

(Application by interpreter

Oscar Billy)

(Name of one of arrestors

Ames)

Stenographer

J. L. Miles

Choctaw MCR 4398.

John Briscoe

See MCR 365

MCR 4398

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

---o---

In the matter of the application of John Briscoe, et al.  
for identification as Mississippi Choctaws.

----o----

Herein is the record in the matter of the application of  
John Briscoe, et al., for identification as Mississippi  
Choctaws, M.C.R. 4398.

----o----

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of John Briscoe, et al.,  
for identification as Mississippi Choctaws, M.C.R. 4398.

--: I N D E X :--

|   | (Page) |
|---|--------|
| Original application of John Briscoe, et al.,<br>to the Dawes Commission for identification<br>as Mississippi Choctaws----- | 1      |
| Decision of the Commission identifying<br>said applicants as Mississippi Choctaws-----                                      | 5      |

-----o-----

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of  
John Briscoe, et al., as Mississippi Choctaws.

---

-cOo-

Herein is the record in the matter of the application of  
John Briscoe, et al., for identification as Mississippi  
Choctaws, M.C.R. 4398.

-cOo-

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
John Briscoe, et al., as Mississippi Choctaws, M.C.R. 4398.

--: I N D E X :--

|  | (Page) |
|--|--------|
| Original application of John Briscoe, et al.,<br>for identification as Mississippi Choctaws----- | 1      |
| Decision of the Commission identifying said<br>applicants as Mississippi Choctaws-----           | 5      |

-oOo-

4398.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 14th, 1901.

In the matter of the application of John Briscoe, represented by Oscar Billey, for the identification of himself, his wife Lillie and minor child Hamilton, as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A I am thirty-eight years old.  
Q What is your postoffice address? A High Hill, Mississippi.  
Q In what county do you live? A Neshoba.  
Q How long have you lived there? A I have lived there ever since I was twenty-one years old.  
Q Where did you live before that? A I was born and raised in Leake County.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q What is your occupation? A I am a farmer but am now official interpreter to the Commission to the Five Civilized Tribes.  
Q Are you acquainted with a man by the name of John Briscoe? A Yes sir.  
Q Is he living? A Yes sir.  
Q How long have you known him? A I have known him eight or ten years.  
Q Where is his home? A In Scott County, near Hays.  
Q What is his postoffice address? A Hays, Mississippi.  
Q How long has he lived in Scott County? A All his life.  
Q About how old is he? A About twenty-two.  
Q How much Choctaw blood has he? A Full blood Choctaw.  
Q Does he speak and understand the Choctaw language? A Yes sir.  
Q Does he associate entirely with the Choctaws? A Yes sir.  
Q Does he talk any English? A Yes sir, some English.  
Q Are you any relation to him? A No sir.  
Q Where is he at this time? A He is in the Mississippi bottoms about forty miles north of Vicksburg, picking cotton.  
Q Is he a full blood Choctaw? A Yes sir.  
Q Has he a wife? A Yessir.  
Q Is she with him? A Yes sir.  
Q Is his father living? A No sir.  
Q What was his name? A I think it was Jacob Briscoe.  
Q How long has he been dead? A I spect he has been dead about sixteen years.  
Q Was he a full blood Choctaw? A Yes sir.  
Q Did he have a Choctaw name? A Not that I know of.  
Q Did he always live in Mississippi? A Yes sir, as far as I know.  
Q Did he speak and understand the Choctaw language? A Yes sir.  
Q Do you know the name of his father? A No sir.  
Q Or of his mother? A No sir.  
Q Is John's mother living? A No sir.  
Q What was her name? A Eliza.  
Q How long has she been dead? A She has been dead, I think she ~~at~~ died this last Spring. I don't know what month.  
Q Was she a full blood Choctaw? A Yes sir.



Q Were you well acquainted with her? A Yes sir.  
Q Did she always live in Mississippi? A Yes sir.  
Q Do you know the name of Eliza's father? A Yes sir.  
Q What was his name? A John Farmer.  
Q Was he a full blood Choctaw? A Yes sir.  
Q How long has he been dead? A Been dead eight or ten years.  
Q You knew him well, did you? A Yes sir.  
Q Speak and understand the Choctaw language? A Yes sir.  
Q Always lived in Mississippi? A Yes sir, so far as I know.  
Q Do you know the name of Eliza's mother? A No sir.  
Q How old a man would John Farmer be if he were living now? A I  
spect he would be eighty or eighty-five years old.  
Q What is the name of John Briscoe's wife? A Lillie.  
Q She is living now? A Yes sir.  
Q Is she a full blood Choctaw? A Yes sir.  
Q Are they living together? A Yes sir.  
Q How long have they been married? A About three years.  
Q About how old is she? A I spect she is about twenty.  
Q Has she always lived in Mississippi? A Yes sir.  
Q How long have you known her? A I have known her seven or eight  
years.  
Q Is her father living? A Yes sir.  
Q What is his name? A Henry Willis.  
Q Is he a full blood Choctaw? A Yes sir.  
Q Where does he live? A In Scott County near Piketon.  
Q Is he the same Henry Willis for whom you have this day made appli-  
cation? A Yes sir.  
Q Do you know his mother's or father's name? A No sir.  
Q Does he speak and understand the Choctaw language? A Yes sir.  
Q And associates entirely with the Choctaws? A Yes sir.  
Q Does Lillie speak and understand the Choctaw language? A Yessir.  
Q She associates entirely with the Choctaws? A Yes sir.  
Q Is her mother living? A Yes sir.  
Q What is her name? A Mary.  
Q Is Mary a full blood? A Yes sir.  
Q Has she always lived here in Mississippi? A Yes sir.  
Q Does she speak and understand the Choctaw language? A Yes sir.  
Q How long have you known her and her husband? A I have known her  
long time, twelve or fifteen years, her and her husband.  
Q Have John and Lillie any children? A Yes sir, one.  
Q What is that child's name? A Hamilton.  
Q About how old is he? A About a year old.  
Q That is the only child they have, is it? A Yes sir.  
Q Is that child living with them now? A Yes sir.  
Q Do you know whether any application has ever been made to the Com-  
mission for any of these people? A Yes sir, I think it was three  
years ago at Decatur.  
Q For whom? A John Briscoe.

The records of the Commission show that application was made to the Commission at Decatur, Mississippi, on the 6th day of February, 1899, for the identification of Eliza Jacobs and her son John B. Jacobs as Mississippi Choctaws, their names appearing on Mississippi Choctaw card Field No. 365, also on page 84 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, as to the identity of Choctaw Indians

claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, being numbers 1298 and 1299 respectively thereon.

- Q His mother went by the name of Eliza Jacobs did she not? A Yes sir.
- Q Does John go by the name of John B. Jacobs or John Briscoe?
- A Choctaws call him John Briscoe.
- Q No application was ever made for his wife that you know of?
- Q No sir, not that I know of.
- Q This application made in 1899 is the only one you know of that has ever been made for John Briscoe? A Yes sir, the only one.
- Q Do you know whether any of the ancestors of John Briscoe or his wife ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Or whether any of them ever received any benefits thereunder?
- A No sir, I do not.
- Q Whether any of them ever got any scrip from the Government under the act of Congress approved August 23, 1842? A Not that I ever heard.
- Q Whether any of them were ever recognized members of the Choctaw Tribe? A I don't know, sir.
- Q Or ever received any benefits as such, land or money? A I don't know.
- Q Do you know anyone living who would likely be informed on these points? A No sir, I do not.
- Q Do you know when he went to the Mississippi bottoms? A Yes sir, he went the 18th day of November, this last November.
- Q Do you know whether he knew at the time he went to the Mississippi bottoms that the Commission was at Hays? A Yes sir, I do know that he did, because Big Wiley Johnson went to Henry Willis to notify them and he was there and he notified them both.
- Q Big Wiley Johnson was a full blood employed by the Commission to notify Choctaws of the presence of the Commission among them? A Yes sir.

As is disclosed by the testimony of Interpreter Billey the applicant, John Briscoe, and his wife Lillie are both full blood Choctaws and speak and unders and the Choctaw language but very little English, associating entirely with the Choctaws. They had notice of the presence of the Commission at Hays prior to their departure for the Mississippi bottoms and refused to make an appearance. They left Scott County on the 18th of November in company with six other Choctaw families for a point about 40 miles above Vicksburg in the Mississippi bottoms to pick cotton, expecting to be gone until Spring.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the abovesentitled cause, heard at Car-

John Briscoe et al---4

thage, Mississippi, December 17th, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*L. B. Mosely*

Subscribed and sworn to before me this the 17th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosely*

Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of  
John Briscoe, et al., as Mississippi Choctaws, M.C.R. 4398.

---

---: D E C I S I O N :---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
on December 14, 1901, by Oscar Billey for John Briscoe, his wife,  
Lillie Briscoe, and his minor child, Hamilton Briscoe, under the  
following provision of the act of Congress approved June 28, 1898  
(30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the In-  
terior."

From the evidence submitted in support of said application  
it appears that all the applicants are full-blood Mississippi Choctaw  
Indians.

Section forty-one of the act of Congress entitled "An Act  
to ratify and confirm an agreement with the Choctaw and Chickasaw  
tribes of Indians, and for other purposes," approved July 1, 1902,

(2)

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that John Briscoe, Lillie Briscoe and Hamilton Briscoe should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

&  
Commissioner.

MAY 5- 1904

## COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED BY THE DEPT. OF THE INTERIOR

M.C.R. 4398

Muskogee, Indian Territory, April 7, 1903.

William O. Beall,

Clerk in Charge Choctaw Chickasaw Enrollment Division

Dear Sir:-

There has been transmitted to the Mississippi Choctaw Legal Department for the preparation of a decision, the above numbered application, which was made by Oscar Billey, one of the official interpreters of the Commission, on behalf of the applicants. A decision has been prepared in this case identifying the applicants as full blood Mississippi Choctaws, but it has not been attached to the record for the reason that decisions in cases where no personal appearance was made by the applicants have been returned by the Commission, for that reason, and until the Commission determines what course it desires to pursue in this class of cases, it will be needless to complete the record by attaching the decision to the testimony and other documents, which are herewith returned to the files for such action as may be deemed necessary.

Respectfully,

*Chas. W. W. W.*

MERIDIAN, MISSISSIPPI, October 6, 1903.

John Briscoe,

Hays, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 14, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

No. 105--M C R 4398.

Special Agent.

Meridian, Mississippi, November 30, 1903.

John Briscoe,

Hays, Mississippi.

Dear Sir-

Under date of October 6, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 14, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 106

Special Agent.



Muskogee, Indian Territory, May 5, 1904.

John Briscoe,

~~Hays, Mississippi.~~

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5, 1904, identifying you, your wife, Lillie Briscoe and minor child, Hamilton Briscoe, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

J. M. EDWARDS

Registered.  
Enc.: MCR-4398.

Chairman.

COPY.

H.O.R. 4398

Muskogee, Indian Territory, May 5, 1904.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered May 5, 1904, identifying John Briscoe, his wife, Lillie Briscoe and minor child, Hamilton Briscoe, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with the Commission such protest as you desire to make against the action of the Commission in identifying the said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, the names of the applicants will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully, (SIGNED)

*Jams Dixby, Chairman.*

See HCR 5207 for registry receipt for this letter

Registered.  
Enc.: HCR-4398

IN RE JOHN BRISCOE, ET AL., M.C.R. 4398.

To the Commission:-

Special attention is directed to the fact that this application was made by the official interpreter of the Commission, and that his statement relative to the blood of the applicants was not made from his own information but from hearsay and the general appearance of the applicants.

For Identification as a Mississippi Choctaw.  
 Carthage, Miss.

Date DEC 14 1901

Name John Briscoe

Age 22 Blood Full

Post Office, Naps, Miss.

Father: Jacob Briscoe d

Mother: Eliza " d

Claims through both parents.

Wife Lillie Briscoe (full) 20 L  
 Father Henry Willis. L  
 Mother Mary " L

(Claims for self, wife and one child)

Children:

Hamilton Briscoe 1 yr

(See Miss Choctaw and freed 365)

Appearance 1/6/99.)


(Application made by  
 inter. w. r. d. l. i. t. y.)

(The only child of father  
 John Briscoe who is the  
 son of Jacob Briscoe and Eliza - John

Stenographer

L. S. Miles

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED T.  
**FILED**  
JUN 29 1904



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

*To Mr. Winter*

*Return*

*Chickasaw.*

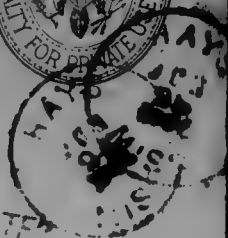
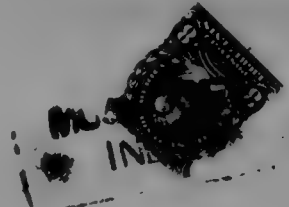
John Friscoe,

Ways, Mississippi.

*ON 29 1894*

*24*

*Wm. H. ...*



Choctaw MCR 4399.

Little Tom Lewis

MCR 4399

†

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--:--:--

In the matter of the application for the identification  
of Little Tom Lewis, et al., as Mississippi Choctaws, M.C.R. 4399.

--: I N D E X :--

|  | (Page) |
|--|--------|
| Original application of Little Tom Lewis,<br>et al., for identification as Mississippi<br>Choctaws,----- | 1      |
| Affidavit of Little Tom Lewis,-----  | 4      |
| Decision of the Commission identifying<br>Little Tom Lewis, et al., as Mississippi<br>Choctaws,-----     | 6      |

--;--



4399.  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 14th, 1901.

In the matter of the application of Little Tom Lewis, represented by Oscar Billey, for the identification of himself, his wife Lonie and two minor children, William and Rufus Lewis, as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified, as follows:

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A I am thirty-eight years old.  
Q What is your postoffice address? A High Hill, Mississippi.  
Q In what County do you live? A Neshoba.  
Q How long have you lived there? A I have lived there ever since I was twenty-one years old.  
Q Where did you live before that? A I was born and raised in Leake County.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q What is your occupation? A I am a farmer but am now official interpreter to the Commission to the Five Civilized Tribes.  
Q Are you acquainted with a Choctaw by the name of Little Tom Lewis?  
A No sir.  
Q Have you heard of him? A Yes sir, I was at his place once.  
Q What is his age, do you know? A No sir, I do not. I heard that he was about sixty years old.  
Q Do you know what his postoffice address is? A Penantly, Jasper County, Mississippi.  
Q Do you know whether he is a full blood Choctaw? A Yes sir, I heard that he is.  
Q You have heard from more than one source that he is a full blood?  
A Yes sir, from more than one.  
Q Do you know anything about where he has lived all his life?  
A No sir.  
Q Do you know the name of his father? A No sir.  
Q Do you know whether he is living or dead? A No sir.  
Q Do you know the name of his mother? A No sir.  
Q Whether she is living or dead? A No sir.  
Q Is he married? A Yes sir.  
Q Is his wife living? A Yes sir.  
Q What is her name? A Lonie.  
Q Do you know about how old she is? A She looks to be about fifty years old.  
Q Is she a full blood Choctaw? A Yes sir, she looks like a full blood Choctaw.  
Q Does she speak and understand the Choctaw language? A Yes sir.  
Q Any English? A Little in English.  
Q Do you know the name of her father? A I don't know.  
Q Do you know the name of her mother? A No sir.  
Q Do you know whether either of them are living or not? A Yes sir, her father is living.  
Q Do you know the name of any of her grandparents? A No sir.  
Q Or any of Little Tom Lewis's grandparents? A No sir.  
Q Are they living together at this time? A Yes sir, they were in October when I was at their place.

Little Tom Lewis et al---2

Q Have they any children living? A Yes sir, two were living with them when I was there in October. Their names are William and Rufus. They have a grown daughter who married Tom Gilmore who lives near Hickory.

Q About how old do you think William is? A He looked to be about four years old. Rufus looked to be about two years old.

Q That is all the children they have living with them, is it? A Yes sir.

Q Where do these people live? A In Jasper County, near Penantly.

Q You have stated that you were at his house during the month of October last? A Yes sir.

Q Please relate the circumstances of your going to his residence?

A On the 19th day of October, in company with representatives of the Commission, I went from the camp of the Commission at Hero, Jasper County, Mississippi, to the residence of Little Tom Lewis for the purpose of taking his testimony. On arriving there we found that he had started hunting in the morning and was not expected home until late that night. I talked to his wife in Choctaw and every possible effort was made to induce her to give her testimony to the Commission but without avail; she said that her husband had always opposed giving in his name to the Commission and that he had told her never to do so in his absence. She told me her name and the names of her two minor children. She appears to be a full blood Indian and both of the children appear to be full bloods. I have known of Little Tom Lewis for several years and have always understood that he was a full blood Choctaw.

Q You know nothing whatever of his ancestors or his wife's ancestors? A No sir.

Q And you never knew either one of them, personally, until you went down there in October? A No sir, not until then.

By the Commission:

On the 19th day of October the representatives of the Commission proceeded to the home of Little Tom Lewis, near Penantly, in Jasper County, Mississippi, for the purpose of attempting to induce him to make application for the identification of himself and family as Mississippi Choctaws. Word had been received by the Commission at different times that he had always stated that he never would appear before the Commission and he had knowledge of the presence of the Commission at Paulding several days prior to the 19th of October. On arriving at the home of Lewis we found that he had left early in the morning on a hunt and would not return until late that night. His wife refused to be sworn or to make any application in her behalf or in behalf of her husband and children, stating through interpreter Billey that her husband had always opposed appearing before the Commission and had repeatedly instructed her never to give in their names. It was with the greatest difficulty that we succeeded in obtaining her name and the names of her children, she refusing to do so until the stenographer had laid aside his note book and pencil. She has every appearance of being a full blood Indian as have also her two minor children William and Rufus who were present at the time of the interview with her. She speaks and understands the Choctaw language and

Little Tom Lewis et al---3

very little English. From reliable information received by the Commission there can be no doubt that little Tom Lewis is a full blood Choctaw Indian.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 14th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*  
Subscribed and sworn to before me this the 17th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosley*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

APR 1 1904

*[Handwritten signature]*

ORIGINAL

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the identification of Little Tom Lewis, et al., as Mississippi Choctaws, M.C.R. 4399.

UNITED STATES OF AMERICA |  
INDIAN TERRITORY, | ss:  
SOUTHERN DISTRICT. |

Before me P.P. Kearney, a Notary Public, within and for the Southern District of the Indian Territory, personally appeared Little Tom Lewis, who, being by me first duly sworn, upon his oath testified as follows:

Q What is your name, age and postoffice address?

A Little Tom Lewis, about 53 years old, Ardmore, I. T.

Q Are you the identical Little Tom Lewis for whom Oscar Billey made application for identification as a Mississippi Choctaw at Carthage, Mississippi, December 14th, 1901? A Yes.

Q Are you a full-blood Choctaw? A Yes.

Q What is the name of your father? A Lewis.

Q Is he living or dead? A ~~Yes~~ Dead.

Q Was he a full blood Choctaw? A Yes.

Q What is the name of your mother? A Nancy.

Q Is she living or dead? A Dead.

Q Was she a full blood Choctaw? A Yes.

Q What is the name of your wife? A Lonie Lewis.

Q What is her age? A About 50.

Q Is she a full blood Choctaw? A Yes.

Q What is the name of her mother? Gallie Lewis.

Q Is she living or dead? A Living.

Q Is she a full blood Choctaw? A Yes.

Q What is the name of her father? Big John (M.C.R. 1135)

Q Is he living or dead? A Dead.

Q Was he a full blood Choctaw? A Yes.

Q How many children have you? Four.

Q What are their names? A Willie Tom Lewis, about 19 years old, Williams age 7 years, and Rufus about 5 years old; and the other is married to Tom Gilmore..

Q Is Loni the mother of all these children? A Yes.

Q Have all your ancestors, and the ancestors of your wife been full blood Choctaws? A Yes.

Q What is your present financial condition?

A I am entirely without any money.

Q Could you not get enough money to pay your expenses to Muskogee, Indian Territory in event it were necessary for you to appear before the Commission at that place in order to secure you rights to land as a Mississippi Choctaw?

A No, I have no way of getting any money, unless some white man help me.

WITNESSES TO MARK:

M. T. C.

W. R. Bayless

Little Tom Lewis  
mark

Subscribed and sworn to before me this the 29th day of March, A. D. 1904.

J. P. Kearney  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application for the identification of Little Tom Lewis, et al., as Mississippi Choctaws, M.C.R. 4399.

--: D E C I S I O N :--

It appears from the records herein that application for identification as Mississippi Choctaws was made to this Commission on December 14, 1901, by Oscar Billy, for Little Tom Lewis, his wife, Lonie Lewis, and his two minor children, William and Rufus Lewis, under the following provision of the Act of Congress, approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants herein are full-blood Mississippi Choctaw Indians.


Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations, September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six

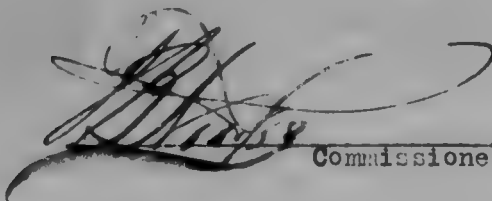
months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Little Tom Lewis, Lonie Lewis, William Lewis, and Rufus Lewis, should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.



Muskegee, Indian Territory, May 23, 1904.

Little Tom Lewis,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 23, 1904, identifying you, your wife Lonie Lewis, and your minor children William and Rufus Lewis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 23, 1904, and must make proof of such removal and settlement on or before May 23, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGN OF)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Incl. MCR 4399.

Muskegee, Indian Territory, May 23, 1904.

Thomas Norman,  
Attorney at Law,  
Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 23, 1904, rendered its decision identifying Little Tom Lewis, his wife Lonie Lewis, and minor children William and Rufus Lewis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order for the persons so identified to avail themselves of such identification, they must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 23, 1904, and must make proof of such removal and settlement on or before May 23, 1906, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, May 23, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 23, 1904, identifying Little Tom Lewis, his wife Lonie Lewis, and minor children, William Lewis and Rufus Lewis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat, 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

Incl. MCR 4399.

Muskogee, Indian Territory, December 9, 1903.

Loney Lewis,

Post Office box 214,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask if the Commission has any record of your application for identification as a Mississippi Choctaw, and if so, when you will be identified.

In reply you are informed that it appears from our records that on December 14, 1901, at Carthage, Mississippi, Little Tom Lewis, sixty years of age, post office Penantly, Mississippi, made application to this Commission for the identification of himself, his wife, Lonie Lewis, and two minor children, William and Rufus Lewis.

Up to the present time no action has been taken in this case relative to your rights to such identification. When a decision is rendered, you will be duly notified.

Respectfully,

Chairman.

Muskogee, Indian Territory, August 10, 1903.

Gena Tippit,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask to be advised the status of the Mississippi Choctaw case of Loney Tom or Loney Lewis.

In reply you are informed that it appears from our records that on December 14, 1901, at Carthage, Mississippi, Oscar Billey made application to this Commission for the identification of Little Tom Lewis, his wife, Lonie Lewis, and their two minor children, William and Rufus Lewis.

The Commission has not yet rendered any decision relative to the right of these applicants to such identification. As soon as a decision is rendered they will be duly notified thereof.

Respectfully,

Commissioner in Charge.

MERIDIAN, MISSISSIPPI, October 6, 1903.

Little Tom Lewis,

Penalty, Jasper Co., Mississippi.

Dear Sir:-

It appears from the records of the Commission that on December 14, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws. Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaw and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

Special Agent.

No. 102--M C R 5170

Meridian, Mississippi, November 30, 1903.

Little Tom Lewis,

Penantly, Mississippi

Dear Sir -

Under date of October 6, 1903, the following letter was written to you:

It appears from the records of the Commission that on December 14, 1901, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 104

Special Agent.

Muskogee, Indian Territory, February 6, 1904.

Thos. Norman,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 30, 1904, enclosing order from Tom Lewis for a copy of the testimony given by Oscar Billey at the time he made application to this Commission for the identification of Little Tom Lewis, his wife Lonie, and two minor children, William and Rufus Lewis, as Mississippi Choctaws. You ask if it is necessary for Mr. Lewis to appear in person before the Commission and if this appearance can be made at Tishomingo, Indian Territory.

In compliance with the request signed by Tom Lewis there is enclosed you herewith one copy of the above mentioned testimony, and you are advised that in order to determine the rights of these applicants to such identification it will be necessary for Little Tom Lewis to appear before this Commission at Muskogee, Indian Territory, and testify personally in regard to this claim.

Respectfully,



M C R 2508  
M C R 4399

Muskogee, Indian Territory, February 6, 1904.

Gena Tippit,

Ardmore, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th ultimo, asking for information relative to the Mississippi Choctaw applications of Willie Tom and Little Tom Lewis and family.

In reply you are advised that it does not appear from our records that you have ever been admitted to practice as an agent before this Commission, or in any manner authorized to represent the above named persons in their applications for identification as Mississippi Choctaws.

You are further advised that the Commission is this day in receipt of a communication from Thos. Norman, Ardmore, Indian Territory, enclosing an order bearing the signature of Tom Lewis, for a copy of the testimony in his case, which request has been complied with.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 9, 1904.

J. J. Bates,

Millcreek, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, asking to be advised relative to the status of the Mississippi Choctaw application of Little Tom Lewis.

In reply you are advised that no decision has yet been rendered by the Commission relative to the right of Little Tom Lewis to be identified as a Mississippi Choctaw. When a decision is rendered, he will be duly notified.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 12, 1904.

Loney Lewis,

Box #214,

Ardmore, Indian Territory.

Dear Madam:

It appears<sup>P</sup> from the records of the Commission that on December 14, 1901, Oscar Billey appeared before this Commission at Carthage, Mississippi, and made application for the identification of yourself, your husband, and two minor children as Mississippi Choctaws.

You are informed that before any further action will be taken in said application, it will be necessary for you or your husband to appear before this Commission at its office at Muskogee, Indian Territory, and testify personally regarding this claim.

Respectfully,

Commissioner in Charge.

M.C.R. 4399

Muskogee, Indian Territory, April 4, 1904.

Little Tom Lewis,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 29, 1904, enclosing your affidavit, in interrogatory form, which you ask be filed in support of your application for identification as a Mississippi Choctaw.

In reply you are advised that your request has been complied with.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 23, 1904.

Little Tom Lewis,

Armore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 23, 1904, identifying you, your wife Lenie Lewis, and your minor children William and Rufus Lewis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 23, 1904, and must make proof of such removal and settlement on or before May 23, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Registered.

Incl. MCR 4399.

Muskogee, Indian Territory, May 23, 1904.

Thomas Norman,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 23, 1904, rendered its decision identifying Little Tom Lewis, his wife Lonie Lewis, and minor children William and Rufus Lewis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order for the persons so identified to avail themselves of such identification, they must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 23, 1904, and must make proof of such removal and settlement on or before May 23, 1905, at the office of the Commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

M.C.R. 4399

Muskogee, Indian Territory, May 23, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 23, 1904, identifying Little Tom Lewis, his wife Lonie Lewis, and minor children, William Lewis and Rufus Lewis, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. B. Needles*

Commissioner in Charge.

Registered.

Incl. MCR 4399.

For Identification as a Mississippi Choctaw  
 Carthage, Miss. Date DEC 14 1901

Name Little Tom Lewis

Age 60

Blood full

Post Office, Enantly, Miss.

Father: don't know

Mother: " "

Claims through both parents.

|       |                    |    |
|-------|--------------------|----|
| Wife  | Lonie Lewis (full) | 50 |
| Other | don't know         | 2  |
| Other | " "                | -  |

Claims for wife (children)

Children:

|               |   |
|---------------|---|
| William Lewis | 4 |
|---------------|---|

|       |   |
|-------|---|
| Rufus | 2 |
|-------|---|

(Appellate ...  
 interpreter ...)

Stenographer

J. L. Miles



Choctaw MCR 4400

Mary E. Darnell

See MCR 4401, 4402

MCR 4400

**DEPARTMENT OF THE INTERIOR.**  
**COMMISSION TO THE FIVE CIVILIZED TRIBES.**

---o---

In the matter of the application of Mary E. Darnell, et al., for identification as Mississippi Choctaws, consolidating the applications of-

|                        |             |
|------------------------|-------------|
| Mary E. Darnell, et al | M.S.R. 4400 |
| Lula M. Keltner, et al | " 4401      |
| Hattie Wilson, et al   | " 4402      |

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Mary E. Darnell, et al.

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| Sworn petition of Mary E. Darnell, addressed to the Commission .....  | 10 |
| Affidavit of Mary M. May .....  | 11 |
| Original application of Lula M. Keltner, et al., before the Dawes Commission for identification as Mississippi Choctaws ..... | 14 |
| Sworn petition of Lula M. Keltner, addressed to the Commission .....  | 21 |
| Adoption record of Minnie May as the child of James H. and Lula M. Keltner .....  | 22 |
| Affidavit of Mary M. May .....  | 24 |

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., DECEMBER 20, 1901.

#4400.

-----oOo-----

In the matter of the application of Mary E. Darnell for the identification as Mississippi Choctaws of herself and her five minor children, Maggie, Della, Addie, Willie and Bessie Darnell.

Applicant represented by E. D. Horton, attorney.

Mary E. Darnell, being first duly sworn, on her oath testified as follows:

Examination by the Commission:

- Q What is your name? A Mary E. Darnell.  
Q What is your age? A Forty years.  
Q How much Choctaw blood do you claim to have? A Well, claiming one-eighth.  
Q What is your post office address? A Sash, Fannin County, Texas.  
Q How long have you lived there? A I have lived at Sash two years.  
Q Always lived in the state of Texas? A I have lived in the state of Texas ever since I was fifteen years old.  
Q Where did you live before that? A In Kentucky until I was thirteen, and Arkansas two years, and since resided in Texas.  
Q Where were you born? A In Kentucky.  
Q Is your father living? A No sir, my father is dead.  
Q What was his name? A John May.  
Q How old would your father be if living now? A Sixty-six.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary Margaret May.  
Q How old is your mother? A She's sixty-six years old.  
Q Through which one of your parents do you claim Choctaw blood?  
A Father's side.  
Q Were your father and mother legally married? A Yes sir, legally married.  
Q Married under a license? A Yes sir, under a license.  
Q Married by a minister or an official? A Justice of the Peace.  
Q Have you their marriage license and certificate with you?  
A No sir, I haven't. They were married in the state of Tennessee.

It will be necessary for you to file with the Commission evidence of the marriage of your father and mother. You can do that by filing the original marriage license and certificate or a certified copy of the same.

- Q Are you married? A Yes sir.

(Mary E. Darnell--2)

- Q Is your husband living? A Yes sir.
- Q What is his name? A W. W. Darnell.
- Q Does he make any claim to Choctaw blood? A No sir.
- Q Do you make any claim for him? A No sir.
- Q Have you any children for whom you desire to make application at this present time? A Yes sir.
- Q Children unmarried and under the age of twenty-one?
- A Yes sir, I have five children under the age of twenty-one and unmarried.
- Q Will you give their names and ages, please? A Yes sir, Maggie thirteen years of age; Della eleven; Addie eight; Willie six;
- Q Is that a boy or girl? A That's a girl; all girls.
- Q Next one? A Bessie, that's the baby one here fifteen months old.
- Q How old? A She's fifteen months old.
- Q You are the mother of all these children? A Yes sir.
- Q W. W. Darnell their father? A Yes sir.
- Q They are living with you? A Yes sir.
- Q They derive Choctaw blood from the same source you do?
- A Yes sir.
- Q Then this application is for yourself and your five minor children? A Yes sir.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A No sir, if he ever was I do not know it.
- Q Is your name or the name of any of your children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not my name nor the name of any of my children.
- Q Did you or any one for you or for your minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, not before.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?
- A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir, there has never been an application made before for any of us.
- Q Have you ever made application prior to this time for yourself or any of your children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time claiming rights to the Choctaw lands in the Indian Territory, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw tribe of Indians concluded in Mississippi on the 27th of September, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called

(Mary E. Darnell--3)

Dancing Rabbit Creek in Mississippi on the 27th of September, 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws in the old Choctaw Nation in Mississippi and Alabama to the new country west of the Mississippi river. At the time the treaty was made, some of the Choctaws didn't want to go to this new country, but preferred to remain there in the old country. For the benefit of this class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of land of six hundred and forty acres, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

This article fourteen required that in case a Choctaw desired to remain in the old Choctaw Nation in Mississippi and Alabama and receive lands from the government under its provisions, he should, within six months from the ratification of the treaty (the treaty being ratified by Congress on the 24th day of February, 1831), go before the government Agent in Mississippi and signify to him, that is, tell him he wanted to stay in the state, become a citizen of the states, and accept lands and benefits under this fourteenth article. After doing this he was then entitled, as the head of a family, to one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child living with him over ten years of age one-half that quantity, or three hundred and twenty acres; and for each child under ten years of age a quarter section, or one hundred and sixty acres of land; the reservation of the children to adjoin the reservation of the parent and to include any improvement which the head of the family owned at that time the treaty was made, the 27th of September, 1830.

This article also required that after a Choctaw had received his lands as a beneficiary under this article, he should reside on these lands for a term of five years, after

(Mary E. Darnell--4)

which time the government would give him a title in fee simple enabling him to dispose of his lands at his pleasure. The last clause of that article is as follows:

"Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the state of Mississippi and fully complied with the provisions of this article by accepting lands and residing upon the same for a term of five years, did not forfeit his right to citizenship in the new Choctaw Nation in Indian Territory, but did forfeit any right which he might have to any portion of the Choctaw annuities. Annuities was money being paid to the Choctaw tribe of Indians by the United States government under treaty provisions.

- Q Do you think you understand this article now as I explained it to you? A I think I do.
- Q Now what is the name of your Choctaw ancestor who resided in Mississippi at the time this treaty was made, the 27th of September, 1830? A Well, of course I can't tell positively, but to the best of our knowledge as far back as we can find we suppose it to be my great-grandfather.
- Q What was his name? A I don't know that positively. We supposed it to be John May.
- Q Same name as your father? A Yes sir, that's the best we can find. Of course that's a long ways back.
- Q What relation is he to John May your father? A Well, he would be his grandfather.
- Q Now, who did John May your father derive his Choctaw blood from? A His father.
- Q What was his father's name? A Elijah Allen May.
- Q Was Elijah Allen May married and the head of a family at the time this treaty was made--the 27th of September, 1830? A Well now I don't know that he was married. I don't know positively for we haven't got the old record, but then my father was born in 1834 and he was the oldest child of the family and we have just got to suppose when and about he was married, but the record was burned up in 1883.
- Q Was John May, your father's grandfather, married and the head of a family in 1830? A Well now that's farther back than I can tell you. Of course I can't say positive.
- Q You don't know whether any of your Choctaw ancestors were married and the heads of families residing in Mississippi at the time this treaty was made--September 27, 1830? A Well I can't tell you positively, not knowing, but it would be reasonable to suppose they was, but that, of course, is further back than my knowledge would extend.
- Q Do you know where your father was born? A Simpson County, Kentucky.
- Q Did he ever live in Mississippi? A No sir.
- Q Where was his father born? A Well now that there is farther back than I can tell; the record being gone and I know nothing

(Mary E. Darnell--5)

only what I have heard my parents say and my mother's testimony only. Of course that record has been burnt up a good while. I cant tell positively--don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A That's further back than I know.

Q Did your father's grandfather, John May, live in Mississippi in 1830 at the time this treaty was made? A Well my mother says that to the best of her knowledge they came from Mississippi to Kentucky after that some time. I don't know when.

Q Have you any proof of the fact that your ancestor through whom you claim did reside in Mississippi in 1830? A I think I have.

Q Proof that you desire to file later on? A Yes sir.

Q Did any of your Choctaw ancestors own improvements in what constituted the old Choctaw nation in Mississippi and Alabama at the time this treaty was made--the 27th of September, 1830? Lands they had fences around or lands they had houses built on?

A Well I don't know positively, but then we think that its-----

Q Have you ever heard any of the members of your family say that your ancestors owned improved land in Mississippi or Alabama at the time this treaty was made? A Well I don't know that I can answer that question or not.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama between the years 1833 and 1838 at the time of the emigration of the Choctaws from the old Choctaw Nation to the Choctaw Nation, Indian Territory?

A Between 1833-----

Q Between 1833 and 1838? A Well I cant answer that question positively myself, for I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of this treaty, that is, within six months from the 24th day of February, 1831, go before the Agent in Mississippi and Alabama and tell him they wanted to stay in Mississippi and receive lands under this fourteenth article? A I don't know.

Q Did any of your Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians under this article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of this fourteenth article the government directed the Indian Agent in Mississippi to register the names of all those Choctaws who desired to remain in what constituted the old Choctaw Nation in Mississippi and Alabama, and who desired to become citizens of the states and accept lands under this fourteenth article. The records of the government show that this Agent failed to register the names of a great many Choctaws who really did signify their intention to remain in the state and accept benefits under this article fourteen. On this account, in many instances, lands on which the Indians had improvements and which they desired to reserve were taken from them by the government and sold at its public land sale. This action of the government caused many complaints among the Indians and these complaints finally reached Congress. Congress, under various acts, appointed Commissions to go into Mississippi and investigate these claims. These Commissions investigated a large number of claims. Some of them they allowed and some they rejected. Of the claims allowed if, after approval by the Secretary of



(Mary E. Darnell--6)

War and the President, the lands had not been sold by the government, the Indians were put in possession of the lands. If, however, the lands had been sold and the Indians established their rights to these lands, the Indians were given scrip in lieu of the lands they had lost by being sold by the government. Under this scrip the Choctaws were entitled to locate on vacant government land in Mississippi, Louisiana, Alabama or Arkansas.

- Q Did any of your Choctaw ancestors go before any of these Commissions and attempt to establish a claim under this fourteenth article? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land in either the state of Mississippi, Alabama, Louisiana or Arkansas?
- A I don't know.
- Q Did any of your Choctaw ancestors ever receive any benefits then as Choctaw Indians? A If they have its further back than my knowledge extends. Positively I couldn't tell. Of course my mother being always opposed to it, it was never talked to us much.
- Q Do you know of the existence of any documentary evidence such as deeds to land or patents to land or papers of any kind that would tend to show that your ancestors complied with the requirements of this fourteenth article and received land as beneficiaries under this fourteenth article? A I don't know of none that now exists. My mother had papers in her possession, but she hasn't them now. They was burnt when the records was burnt and I didn't know the contents of them; she kept them away from us; we never did read them.
- Q Do you know of any witnesses that you could bring before the Commission who could testify that your ancestor through whom you claim your right to share in the lands of the Choctaw Indians in Indian Territory, did comply with the provisions of this article and took lands as Choctaw Indians under it?
- A Well I think I can. Well now its just this way--I don't know positively of any that were living witnesses to it then. Its a long ways back.
- Q Then you do not know of the existence of any written evidence such as I mentioned to you? A Not now I don't, no sir.
- Q Do you desire to offer any written evidence at this time in support of your application? A Not at this time.

Attorney L. D. Horton files petition of the applicant, supported by affidavit of Mary M. May, mother of the applicant.

Attention of attorney is called to the pencil interlineation in the petition.

Attorney states that interlineation is made by himself.

- Q How many children were of your family sons and daughters of John and Mary Margaret May? A There were nine.
- Q Will you give their names commencing with the oldest?
- A Yes sir, the oldest one was named Elijah Allen May.
- Q Was he married? A Elijah Allen? No sir, he died when he was small.

(Mary E. Darnell--7)

- Q I only want the names of those living? A There aint any living only one brother and three sisters.
- Q Give the name of the living brother? A James T. May.
- Q Is he married? A No sir, he's single.
- Q Is he over twenty-one years of age? A Yes sir, twenty-two.
- Q Give the names of your sisters? A M. J. Darnell is the next one.
- Q Did M. J. Darnell marry a brother of your husband? A Yes sir.
- Q Have they any children? A Yes sir.
- Q How many? A Six.
- Q Can you give their names? A Yes sir, Eddie, Malvin, Sanford, Rena, Rada and Marvin.
- Q These children are all under twenty-one years of age? A Yes sir, all under twenty-one.
- Q How the other sister's name? A Lula Keltner.
- Q Has she any children? A Yes sir.
- Q Give their names please? A Vera Keltner and an adopted daughter.
- Q This adopted daughter, does she possess any Choctaw blood? A Yes sir, she's the same as the rest.
- Q Any other children of that sister? A No sir.
- Q How did any of your deceased brothers and sisters leave any children? A Yes sir.
- Q Give the names of the brother or sister who is dead and the names of the children? A Well my oldest brother that left a family was George May; left two children.
- Q What was their names? A Maude and Claudie, they are girls.
- Q They are single, are they? A No sir, they are both married.
- Q What are their married names? A In fact I cant give their married names for they live in Lamar County, and I cant give their names.
- Q Any other brothers or sisters who left a family? A Well my next brother John May left one girl, but she is this adopted daughter we are speaking of.
- Q What is her name? A Minnie May.
- Q She is adopted by whom? A Mrs. Keltner my sister.
- Q Now what other-----? A Next is my sister ; Susan was her name; she married Hoover.
- Q Did she leave any children? A Yes sir, she left four.
- Q They are under twenty-one years? A They aint but two under twenty-one years.
- Q Give the names of those under twenty-one? A Fred is a boy, and a girl Era.
- Q Give the names of those over twenty-one? A Louis Hoover.
- Q Is he married? A Yes sir.
- Q Got any children? A Got one.
- Q Do you know the name of that child? A Oreda.
- Q Now the name of the other child under twenty-one? A Arthur.
- Q Is he married? A Yes sir.
- Q Has he got any children? A No sir.
- Q Is that all of your family? A That's all.
- Q Now have any of these relatives of yours whose names you have given, been before the Commission and applied for identification as Mississippi Choctaws? A No sir.
- Q Is there any other statement you want to make at this time in support of this application? A No sir.

(Mary E. Darnell--8)

- Q Do you speak or understand the Choctaw language? A No sir, I cant speak the Choctaw language.

This applicant has dark brown hair, gray eyes, medium fair complexion; does not speak or understand the Choctaw language; has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Examination by attorney Horton:

- Q State the reason why your mother is not here? A She is an invalid and blind and has been confined to her room for fourteen years.

Applicant excused.

Applicant recalled and examined by the Commission:

- Q Have you any children married and over the age of twenty-one?  
A Yes sir, I have a daughter married and twenty-three years of age.  
Q What is her married name? A Tishia Phillips.  
Q Has she any children? A Yes sir, she has three.  
Q Give their names? A Eva, Pearl and Merl.  
Q What is the name of your other child that is married?  
A Hattie Wilson.  
Q Has she any children? A Has one.  
Q Give its name, please? A James.  
Q Has either of these daughters ever been before the Commission for identification as Mississippi Choctaws? A Not before this time; never have; aint but one of them there; other one isn't here.

Applicant excused.

Applicant recalled and examined by the Commission:


- Q Mrs. Darnell, in the application of your daughter Hattie Wilson it developes that you were twice married; now will you give the names of your children by your first marriage? A Tishia Phillips and Hattie Wilson is the only ones living by my first marriage.  
Q What is the name of their father? A James Ward.  
Q He make any claim to Choctaw blood? A No sir.  
Q These two children of yours derive Choctaw blood through you?  
A Yes sir.  
Q You applied for the identification of five minor children----- Maggie Darnell, Della Darnell, Addie Darnell, Willie Darnell and Bessie Darnell; is your present husband, W. W. Darnell, their father? A Yes sir.  
Q When did your first husband die? A 1882.

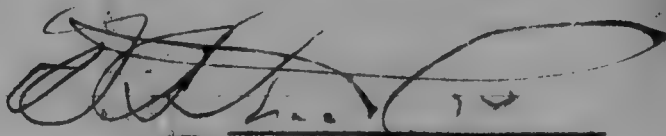
(Mary E. Darnell--9)

Q Did he leave any other children who are over the age of twenty-one? A No sir.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 20th day of December, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

  
Subscribed and sworn to before me this 21<sup>st</sup> day of December, 1901.

  
Commissioner.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. August 15, 1903.

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Additional testimony in the matter of the application of Mary E. Darnell, et al., for identification as Mississippi Choctaws, consolidating the applications of:

|                          |             |
|--------------------------|-------------|
| Mary E. Darnell, et al., | M.C.R. 4400 |
| Hattie Wilson, et al.,   | M.C.R. 4402 |
| Lula M. Keltner, et al., | M.C.R. 4401 |

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U. G. Winn and Blanton Anderson Currie, attorneys for applicants.

Jincy Darnall being first duly sworn, testifies as follows:

Examination by the Commission:

- Q What is your name? Jincy Darnall.  
Q What is your age? A thirty-six.  
Q What is your post office address? A Boswell, I.T.  
Q Are you acquainted with the applicant, Mary E. Darnell? A Yes sir.  
Q Are you also acquainted with Hattie Wilson and Lula M. Keltner? A Yes Sir.  
Q How long have you resided in the Indian Territory? A It has hardly been a year; moved to the Indian Territory last November.  
Q Where did you come from? A I came from Fannin county, Texas.  
Q How long did you live there? A I lived there seven years.  
Q At what place? A Honey Grove.  
Q At what place did you reside prior to your residence at Honey Grove? A At Lamar county, Texas.  
Q How long did you reside there? A I don't know exactly how long, but then hits been somewheres near about 17 or 18 years I guess.  
Q Where did you come from? A Kentucky.  
Q To that place? A yes sir.  
Q Were you born in Kentucky? A Yes sir.  
Q You lived in Kentucky until you left for Texas? A No sir, we lived in Arkansas two years.  
Q Moved from Kentucky to Arkansas? A Yes sir.  
Q At what time was this; in what year? A Well, I could not tell, it has been about 25 years ago though.  
Q And you moved from Arkansas to Texas? A Yes sir, to Lamar county, Texas.  
Q You stated that you were acquainted with Mary E. Darnell, Hattie Wilson and Lula M. Keltner; do you know whether they possess Choctaw blood? A Yes sir.  
Q How do you know this? A Well, my father has told me very often that he had Indian blood and that he had papers stating that he was.  
Q Are you related to the applicant in this case? A Yes sir.  
Q In what way? A Mary E. Darnell is my sister; Lula Keltner also and Hattie Wilson is my niece.

Mary E. Darnell, et al. - - #2 Jincy Darnell, witness.

- Q You have never made application for identification as a Mississippi Choctaw, have you? A No sir.
- Q So you claim that your father was the father of Mary E. Darnell, a Choctaw? A Yes sir.
- Q A moment ago you stated that your father had some papers which would show he was a Choctaw Indian. Have you them here? A No sir, they got burned up.
- Q What was the nature of them? A Well, I can't remember the reading exactly, but there were several names I can remember, and my mother told me then what they were.
- Q You don't know what this paper contained? A No sir, not just the reading, I don't.
- Q How much Choctaw blood did the father of Mary E. Darnell have? A I think his father was a half.
- Q And you claim he was a quarter then? A Yes sir.
- Q What was his name? A John May.
- Q Did John May's wife possess Choctaw blood? A No sir.
- Q She was a white woman? A Yes sir.
- Q Who did John May claim his Choctaw blood through? A Through his father.
- Q What was his father's name? A Elija Allen May.
- Q Is your father living? A No sir, my father is dead.
- Q When did he die? A He has been dead 12 years.
- Q What was his age at the time of his death? A Somewhere about 56 or '7 years old.
- Q He would be about 70 now, would he not? A Yes sir, close on to 70 years.
- Q When did your grandfather die; the father of John May? A Well, as near as I can remember, he died in '50.
- Q 1850? A Yes sir, I heard mother say.
- Q How old was he at that time? A He was 45 years old when he died.
- Q He would be about 98 now? A He would be somewhere about 90.
- Q Did you ever see him? A No sir, I did not.
- Q How much Choctaw blood did he possess? A One-half.
- Q Did John May's mother claim any Choctaw blood? A No sir.
- Q Where was your father born? A In Kentucky.
- Q Lived there all his life? A No sir, he died in Texas.
- Q Did he ever reside any place else but Kentucky and Arkansas? A No sir; only just lived in Arkansas two years.
- Q Did he die in Arkansas? A No sir, in Texas.
- Q Where did your grandfather reside? A In Kentucky.
- Q Did he ever reside any where else besides Kentucky? A I don't know.
- Q What was the name of the father of Elija Allen May? A I don't know whether it was George May or Nicholas May.
- Q Elija Allen May never resided in Mississippi to your knowledge? A No sir, not as I know.
- Q Who did Elija Allen May claim his Choctaw blood through? A Through his father.
- Q And his name was George or Nicholas May? (No answer).
- Q How much Choctaw blood did he possess? George or Nicholas May? A I don't know.
- Q Do you know where George or Nicholas May resided in 1830? A No sir, I do not.
- Q You have no knowledge of any of your ancestors besides your grandfather? A No sir.
- Q And you don't know much about him? A No sir, not a great deal, he died before I was born.
- Q None of your ancestors, to your knowledge, ever resided in the States of Mississippi or Alabama? A I do not know, sir.

Mary E. Darnell, et al., - - -#3 Jincy Darnall, witness.

- Q You stated some time ago, that your father, at one time, had in his possession certain papers which would tend to show that he was a Choctaw Indian? A Yes sir.
- Q What was the nature of these papers? A Well, as I remember, just reading and showing that he was an Indian.
- Q You never saw them? A Yes sir.
- Q Did you read them? A I did, but can't remember; they have been burned up 22 or '3 years. My house got burned and all the papers.
- Q How long ago has it been since you saw them? A 22 or '3 years.
- Q State what the contents were? A I told you about all I can remember; several names on them; George May, my grandfather's name, and I think that Nicholas May and several others, I can't remember them.
- Q What did these papers state in reference to these people? A Well, as I remember, it was showing that they were Indians and that they had a right.
- Q Was it signed? A Yes sir.
- Q By whom? A I don't remember.
- Q Have you stated now all that you know about these papers? A Yes sir, about all I know; remember seeing them and a few names on them and that is about all I know about them.
- Q Did you have a conversation with your father in reference to these papers at any time? Did you ever have any conversation in reference to same? A All that I can say is what grandfather told her when he gave her the papers. He just took them and looked at them and my mother said she was sitting on the bed by his side and he took them and handed to her and told her to keep them that they would be worth something to her and advised them to come to the territory.
- Q Your mother related this to you did she? A Yes sir. My father he always wanted to come to the territory and sold out once to come but mother never would give up to come to the territory, and then he has told us children he was an Indian, and of course, we all knew he wanted to come to the Indian Territory, leaves a very good right which leads up to believe he had a right.
- Q You have stated all that you know now in reference to these papers? A Yes sir.
- Q Did your father ever tell you anything further about the papers? A No sir, never did about the papers but he has told us he was an Indian and had a right in the territory.
- Q And told you to come here? A Well, I don't know as he ever did tell us to, but he said he had a right.
- Q You state that you examined these papers yourself; how did they appear? A Well now, it is just like I tell you; it has been so long; it was just simply something about their rights my father had.
- Q Did it have a seal attached to it? A Yes sir.
- Q What did it look like? A Well, just a small one it was as well as I can remember. It was kind in the shape of an egg like; it wasn't right round. Of course, I was small and it has been a good while, but I remember it was blue paper written with brown ink; it was kinda narrow but long.
- Q But you don't know the contents? A No sir.
- Q Do you wish to introduce these pictures; of John May, your father, and Molly Cherry, a cousin of the principal applicant, Mary E. Darnell? A Yes sir.

Picture marked Exhibit "A" is that of John May; Exhibit "B" picture on the right is Molly Cherry, cousin of the

Mary E. Darnell, et al., - - -#4 Jincy Darnell, witness.

principal applicant, through the Mays.

On motion of attorneys for applicants, an extension of 60 days will be granted from this date in which to take additional testimony.

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This witness has dark brown hair, gray eyes and a reddish complexion; cannot speak or understand the Choctaw language; is not conversant with the history of her ancestors, and has no knowledge in reference to their compliance.

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Josie Davies, being first duly sworn, states on her oath that as stenographer to the Commission to the Five Civilized Tribes she reported in full the proceedings had in the above entitled cause on the 15th day of August, 1903, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings.

*Josie Davies*

Subscribed and sworn to before me this 18th day of August, 1903.

*Charles H. Sawyer*  
Notary Public.



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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mary E. Darnell, et al., for identification as Mississippi Choctaws, consolidating the applications of:

|                          |              |
|--------------------------|--------------|
| Mary E. Darnell, et al., | M.C.R. 4400  |
| Lula M. Keltner, et al., | M.C.R. 4401  |
| Hattie Wilson, et al.,   | M.C.R. 4402. |

D E C I S I O N

It appears from the record herein that Applications for identification as Mississippi Choctaws were made to this Commission by Mary E. Darnell for herself and her five minor children Maggie, Della, Addie, Willie and Bessie Darnell; by Lula M. Keltner for herself and her minor child Vera Keltner, and her minor adopted child, Winnie May Keltner; and by Hattie Wilson for herself and her minor child, James Wilson under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and

thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary there-to and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John (or George) May, who is alleged to have been possessed of some Choctaw blood, degree thereof not stated.

The name of one George May appears upon page 53 of Volume VII, American State papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Ni-ta-cha-chi's district, in the territory occupied by the Choctaw-Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of "Dancing Rabbit Creek" or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John (or George) May, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to

comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary M. Darnell, Maggie Darnell, Della Darnell, Addie Darnell, Willie Darnell, Bessie Darnell, Lula M. Keltner, Vera Keltner, Minnie May Keltner, Hattie Wilson and James Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

FOR THE

Ernest Bixby.

Acting Chairman.

FOR

I. B. Neider.

Commissioner.

J. H. Brackman.

Commissioner.

Wetkoguee, Indian Territory,

FEB 5 1905

Muskogee, Indian Territory, February 5, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of February, 1903,

the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary E. Darnell, et al., embracing the following applications for identification as Mississippi Choctaws:

|                          |              |
|--------------------------|--------------|
| Mary E. Darnell, et al., | M.C.R. 4400  |
| Lola M. Keltner, et al., | M.C.R. 4401  |
| Hattie Wilson, et al.,   | M.C.R. 4402. |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495),

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Darnell, Maggie Darnell, Della Darnell, Addie Darnell, Willie Darnell, Bessie Darnell, Lola M. Keltner, Vera Keltner, Minnie May Keltner, Hattie Wilson and James Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.  
Respectfully,

(SFB)

*M. R. Dred*  
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 5, 1903.

Mary E. Darnell,  
Sash, Texas.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary E. Darnell, et al., embracing the following applications for identification as Mississippi Choctaws:

|                          |              |
|--------------------------|--------------|
| Mary E. Darnell, et al., | M.C.R. 4400  |
| Lula M. Keltner, et al., | M.C.R. 4401  |
| Hattie Wilson, et al.,   | M.C.R. 4402. |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Darnell, Maggie Darnell, Della Darnell, Addie Darnell, Willie Darnell, Bessie Darnell, Lula M. Keltner, Vera Keltner, Minnie May Keltner, Hattie Wilson and James Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

M. E. D. # 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, February 5, 1903.

L. D. Morton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary E. Darnell, et al., embracing the following applications for identification as Mississippi Choctaws:

|                          |              |
|--------------------------|--------------|
| Mary E. Darnell, et al., | M.C.R. 4400  |
| Lula M. Keltner, et al., | M.C.R. 4401  |
| Hattie Wilson, et al.,   | M.C.R. 4402. |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary E. Darnell, Maggie Darnell, Della Darnell, Addie Darnell, Willie Darnell, Bessie Darnell, Lula M. Keltner, Vera Keltner, Minnie May Keltner, Hattie Wilson and James Wilson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

L. D. H. # 2.

(

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.



Muskogee, Indian Territory, February 21, 1903.

The Honorable

The Secretary of the Interior.

There is transmitted herewith the record in the consolidated case of Mary E. Darnell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 5, 1903.

The above consolidated case embraces the following original application for identification as Mississippi Choctaws, heard by the Commission:

|                         |             |
|-------------------------|-------------|
| Mary E. Darnell, et al. | M.C.R. 4400 |
| Lula M. Kallner, et al. | M.C.R. 4401 |
| Emma Wilson, et al.     | M.C.R. 4402 |

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*Tamo Dixie*

Through the  
Commissioner of Indian Affairs.  
2 inclosures: M.C.R. 4400

Chairman.

Muskogee, Indian Territory, October 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On February 21, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Mary E. Darnell, et al., together with its decision of February 5, 1903, refusing the applications of the several persons included therein for identification as Mississippi Choctaws.

With departmental letter of June 18, 1903 (I T D 2666, 3824-1903), the record in this case was remanded in order that the principal applicants might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission on July 15, 1903, notified the principal applicants, and their attorney of record, L. D. Horton, that they would be allowed up to and inclusive of Saturday, August 15, 1903, to introduce additional evidence in support of their application for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On August 15, 1903, Jinoy Darnall appeared before the Commission and personally testified in support of the consolidated Mississippi Choctaw case of Mary E. Darnell, et al., the applicants

being represented by Messrs. U. G. Winn and Blanton Anderson Currie, attorneys at law, Ada, Indian Territory. On the above date said attorneys filed in evidence two tintype pictures which were marked exhibit "A" and exhibit "B" and attached to the record.

The applicants have failed to show that they are direct lineal descendants of a Choctaw ancestor who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of eighteen hundred and thirty.

The additional proceedings in the consolidated case of Mary E. Darnell, et al., together with the original record in the case, and papers forwarded with departmental letter of June 18, 1903, are therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

MoM 28

Land.  
20543--1903.

Copy  
Department of the Interior,  
Office of Indian Affairs,  
Washington, April 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

On the 31st ultimo the Department returned the record of the Commission to the Five Civilized Tribes in the matter of the application of Mary E. Darnell and others for identification as Mississippi Choctaws, for the reason that the statements of this office in submitting the case did not cover the question as to whether the records of the office contain any information relative to John May or his father Elijah Allen May, whom the applicants claim were Mississippi Choctaw Indians.

I now have the honor to state that the names of John May, and Elijah May do not appear among the names of those persons who as citizens of the Choctaw Nation, in Mississippi or Alabama, in 1830, complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Department also calls attention to an affidavit of George Gelbert in this case who testifies that the Choctaw name of George May was George May-ee-tubbee, and that he had a son named Mershan May-ee-tubbee. The Department accordingly asks this office to furnish it information with reference to the following names which appear upon a list of names of Choctaws to whom scrip was issued under the 14th article of the Treaty of Dancing Rabbit Creek pre-

pared by the Indian Office:

Me-ah-te-ubbee, Me-ah-tubbee, Me-hah-tubbee, Mi-ah-te-tubbee, Mi-ah-tubbee, Me-ha-tubbee, Ma-he-tubbee, Me-yah-tubbee and Me-ah-tubbee.

The records of this office show that there was no person by the name of May-ea-tubbee or George May-ea-tubbee who was a beneficiary under the 14th article of the Choctaw treaty of 1830. There was a person named Ma-tubbee who was an applicant under the 14th article but was rejected by the commission and the War Department.

With reference to the names given by the Department in its list Me-ah-tubbee was otherwise known as Bob. He was the head of a family in 1830. His only child alive at that time was Te-ah-hoye, a girl under ten. His wife's name was Bola;

Me-ah-tubbee was a child under ten in 1830, and was also known as Me-ah-ta. He was a son of Bah-fe-cubbee;

Me-ah-tstubbee was a child under ten in 1830, a son of Pem-fillah who died without issue;

Me-hah-tubbee was a child over ten in 1830, a son of Ye-min-tah-honah;

Me-ha-tubbee was a child over ten in 1830, a son of Shu-wak-ki-yah, who died without issue.

Me-yah-tubbee was a child under ten in 1830, a son of Phil-e-ma-hubbee;

Ma-he-tubbee was a child over ten in 1830, a son of Ash-tubbee;

Mi-ah-tubbee was the head of a family in 1830 and died leaving one child, Ha-la-che; his wife being Hith-la-heka; and

Mi-ah-tubbee was a child over ten in 1830 who died leaving one child, Blansen, Mi-ah-tubbee was a son of Con-she-hoka.

From the information here set forth I do not see any possible connection between the persons whose names are herein given and George May-ee-tubbee and renew my recommendation that the decision of the Commission herein be approved.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

E.B.H. (F).

D.C.17628

Copy  
DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

J.W.H. FHE.

I.T.D.2666-1903.  
3824- "

June 18, 1903.

MR S

Commission to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Gentlemen:

February 21, 1903, you transmitted the record in the consolidated case of Mary E. Darnell, et al., applicants for identification as Mississippi Choctaws, including your decision of February 5, 1903, refusing to identify them as such.

It seems that the principal applicants, Mary E. Darnell and Lula M. Keltner, obtained their Choctaw blood from their father, John May; that he was the son of Elijah Allen May, who was an one-half blood Choctaw and that the father of the latter was one-Fahn (or George) May.

In connection with the case there has been filed the affidavit of George Colbert, from which it appears that the Choctaw name of George May was George May-ee-tubbe, and that he has a son named Mershan May-ee-tubbe, and that the former resided in 1843 near Peach Tree Creek, Pontotoc County, Mississippi being then 65 years of age.

From the affidavit of Mary May, mother of these applicants, it appears that certain of their ancestors were residents of Mississippi and that they claimed property rights in the Choctaw Nation, Indian Territory, as former residents of the Choctaw Nation, Mississippi.

March 17, 1903 and April 14, 1903, the Acting Commissioner of Indian Affairs furnished reports in the matter, recommending that your action be approved. In the latter report the Acting Commissioner furnished the names of certain persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, as follows:

Me-ah-tubbee; Me-ah-te-tubbee; Meehah-tubbee; Me-ha-tubbee; Me-yah-tubbee; Mi-ah-tubbee.

Considering the facts that the ancestors of these applicants were Choctaws by blood; that they were residents of the Choctaw Nation in Mississippi, and that their names were similar to those of certain persons who attempted to comply with the provisions of article 14 of the treaty of 1830, it is considered that said applicants should be allowed further time, if they desire, in which to present additional testimony in support of their claims.

The case is therefore remanded to you for appropriate action. In advising the applicants hereof it is desired that you follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins (M.C.R. 4964).

The record in the case is returned herewith, with letter from Lula Keltner and affidavits from George Colbert, also copies of letters from the Acting Commission of Indian Affairs.

Respectfully,

E.A. Hitchcock.

Secretary.

7 inclosures.



Land.  
207-13433-1903.

Copy  
Department of the Interior,  
Office of Indian Affairs,  
Washington, March 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Mary E. Darnell, for herself and her five children Maggie, Della, Addie, Willie and Bessie Darnell; Lula M. Keltner, for herself and her minor child Vera Keltner and her minor adopted child, Minnie May Keltner; and Hattie Wilson for herself and her minor child, James Wilson, wherein a decision adverse to the applicants was rendered by the Commission on February 5, 1903.

The evidence in this case has been examined in this office and it is found that the applicants base their claim to identification on their descent from one John (or George) May, who, it is alleged was a citizen of the Choctaw Nation, and resided in Alabama or Mississippi in 1830:

The decision of the Commission rejecting these parties states that its records do not show that John (or George) May or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office have been examined in connection with this application and it is discovered that George May and family were transported west by the Government in the first Choctaw

emigration in 1831, and that he was not an applicant or a beneficiary under the 14th article of the Cheetaw treaty of 1830. I have, therefore, to recommend that the decision of the Commission rejecting these applicants, be approved.

Very respectfully,

A.C. Tenner,

Acting Commissioner.

M.B. . H'r.

3 enclosures.

Muskogee, Indian Territory, July 15, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of June 18, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary E. Darnell, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 15, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 15, 1903.

L. D. Horton,  
Attorney at Law,  
Durant, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of June 18, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary E. Darnell, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"It seems that the principal applicants, Mary E. Darnell and Lula M. Keltner, obtained their Choctaw blood from their father, John May; that he was the son of Elijah Allen May, who was an one-half blood Choctaw, and that the father of the latter was one John (or George) May.

In connection with the case there has been filed the affidavit of George Colbert, from which it appears that the Choctaw name of George May was George May-ee-tubbe, and that he has a son named Marshan May-ee-tubbe, and that the former resided in 1843 near Peach Tree Creek, Pontotoc County, Mississippi, being then 65 years of age.

From the affidavit of Mary May, mother of these applicants, it appears that certain of their ancestors were residents of Mississippi and that they claimed property rights in the Choctaw Nation, Indian Territory, as former residents of the Choctaw Nation, Mississippi.

March 17, 1903, and April 14, 1903, the Acting Commissioner of Indian Affairs furnished reports in the matter, recommending that your action be approved. In the latter report the Acting Commissioner furnished the names of certain persons who complied or attempted to comply with the provisions of article 14

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of the treaty of 1830, as follows: Me-ah-tubbee; Me-ah-to-tubbee; Me-hah-tubbee; Me-ha-tubbee; Me-yah-tubbee; Me-he-tubbee; Mi-ah-tubbee.

Considering the facts that the ancestors of these applicants were Choctaws by blood; that they were residents of the Choctaw Nation in Mississippi, and that their names were similar to those of certain persons who attempted to comply with the provisions of article 14 of the treaty of 1830, it is considered that said applicants should be allowed further time, if they desire, in which to present additional testimony in support of their claims."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw

L D H 3

cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 15, 1903, hear the testimony of such witnesses as appear in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Dep

Registered

Muskogee, Indian Territory, July 15, 1903.

Mary E. Darnell,  
Bash, Texas.

Dear Madam:

The Secretary of the Interior with his letter of June 18, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mary E. Darnell, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claims.

The Secretary of the Interior in his letter states:

"It seems that the principal applicants, Mary E. Darnell and Lula M. Keltner, obtained their Choctaw blood from their father, John May; that he was the son of Elijah Allen May, who was an one-half blood Choctaw, and that the father of the latter was one John (or George) May.

In connection with the case there has been filed the affidavit of George Colbert, from which it appears that the Choctaw name of George May was George May-ee-tubbe, and that he has a son named Marshan May-ee-tubbe, and that the former resided in 1843 near Peach Tree Creek, Pontotoc County, Mississippi, being then 65 years of age.

From the affidavit of Mary May, mother of these applicants, it appears that certain of their ancestors were residents of Mississippi and that they claimed property rights in the Choctaw Nation, Indian Territory, as former residents of the Choctaw Nation, Mississippi.

March 17, 1903, and April 14, 1903, the Acting Commissioner of Indian Affairs furnished reports in the matter, recommending that your action be approved. In the latter report the Acting Commissioner furnished the names of certain persons who complied or attempted to comply with the provisions of article 14

M E D 2

of the treaty of 1830, as follows: Me-ah-tubbee; Me-ah-te-tubbee; Me-hah-tubbee; Me-ha-tubbee; Me-yah-tubbee; Me-he-tubbee; Mi-ah-tubbee.

Considering the facts that the ancestors of these applicants were Choctaws by blood; that they were residents of the Choctaw Nation in Mississippi, and that their names were similar to those of certain persons who attempted to comply with the provisions of article 14 of the treaty of 1830, it is considered that said applicants should be allowed further time, if they desire, in which to present additional testimony in support of their claims."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw



K E D 3

cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby advised that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Saturday, August 15, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Commissioner in Charge.

R & R Den

Registered

Muskogee, Indian Territory, August 15, 1903.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing motion for a continuance of thirty days in the Mississippi Choctaw case of Mary E. Darnell, et al. You state you have lost track of these people and that they have moved to the Chickasaw Nation. You ask "In event no other attorney appears for them will you please file and pass upon the inclosed motion and advise me?"

In reply you are informed that it appears that one W. G. Currie, of Ada, Indian Territory, is attorney for the applicants in this case, and your motion is therefore herewith returned you.

Respectfully,

Commissioner in Charge.

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Land.  
70652-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

(COPY).

WASHINGTON, February 5, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to forward a letter of the Commission to the Five Civilized Tribes, dated October 29, 1903, relative to the consolidated Mississippi Choctaw case of Mary E. Darnell, et al.

With Departmental letter of June 18, 1903 (L. T. D. 2666, 3824-1903), the record in this case was remanded in order that the principal applicants might be granted opportunity to introduce additional evidence.

In accordance with the instructions of the Department, the Commission on July 15, 1903 notified the principal applicants and their attorney of record, L. D. Hoffman that they would be allowed up to and inclusive of Saturday, August 15, 1903, to introduce additional evidence in support of their application for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Chickasaw and Choctaw Nations.

On August 15, 1903, Jincy Darnell appeared before the Commission and personally testified in support of the consolidated Mississippi Choctaw case of Mary E. Darnell et al., the applicants being represented by U. G. Winn and Blanton Anderson Currie, attorneys at Law, Ada, Indian Territory,

On the above date the attorneys filed in evidence two tin-type pictures which are marked exhibits A and B attached to the record.

The Commission says the applicants have failed to show they are direct lineal descendants of a Choctaw ancestor who complied with or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The additional proceedings in this case, together with the original record and papers were forwarded with Departmental letter of June 18, 1903, are transmitted by the Commission.

On December 17, 1903 (I.T.D.10289-1903), the Department transmitted to this office a letter dated December 6, 1903, from Lula Keltner, relative to her application for identification as a Mississippi Choctaw also enclosing affidavits of J.H.Keltner and Elizabeth Colbert.

The tin type referred to in the letter of the Commission as Exhibit B/ is not found among the papers.

The original record in this case shows that the applicants trace their Choctaw ancestry from George Mayeatubbee. In some of the supplementary evidence his name is given as George May. Because of the similarity of the name Mayeatubbee to certain names of Choctaw reserves under the 14th article, the case was remanded for further investigation. These names were,

Me-ah-tubbee,  
Me-ah-te-ubbee,  
Me-ha-tubbee,  
Me-hah-tubbee,  
Me-yah-tubbee.

It was thought possible that a more thorough examination relative to the name of the ancestor of these applicants might disclose that they were descendants of one of these Choctaw Indians whose names

are given. There was no 14th article Choctaw reservee of the name of Me-ah-tubbee or any of the other names given who were also called George so far as the records of this office show. Most of these persons referred to were children in 1830 and the only one who was not a child, whose descendants would be entitled to identification as Mississippi Choctaws was Me-ah-tubbee, who was otherwise known as Bob. The original record in this case did not satisfactorily connect the applicants with any of the beneficiaries under the 14th article of the Choctaw treaty. The supplemental proof submitted by the applicants does not strengthen their case, as there is no record in the office which supports their contention as to George Mayeatubbee and there are no surrounding circumstances given by the witnesses or persons who make affidavits which would tend to connect him with any of the reservees under the Choctaw treaty.

I am therefore of the opinion that the decision of the Commission rejecting the applicants should be approved and I so recommend.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

KBH:LM

DC-13495-1904.  
ITD 1096-1904.  
L.R.S.

(COPY)  
DEPARTMENT OF THE INTERIOR, FHE. J.W.H.

WASHINGTON, April 26, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

October 29, 1903, you resubmitted the record in the matter of the application of Mary E. Darnell (M.C.R. 4400), et al., for identification as Mississippi Choctaws. Constituting a part of the record is the additional testimony taken before you at Muskogee, August 15, 1903.

In your decision of February 5, 1903, you held that these applicants are not entitled to identification as Mississippi Choctaws. The record was returned to you, however, June 18, 1903, with instructions to permit the applicants to introduce additional testimony for the purpose of showing that their ancestor, Mayeatubbe, was identical in person with some one of the Choctaws of that or similar name who complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

Reporting in the matter February 5, 1904, the Acting Commissioner of Indian Affairs expressed the opinion that the supplemental testimony supplied by the applicants does not strengthen their case, and therefore recommended that your decision refusing to identify them as Mississippi Choctaws be approved.

A copy of his letter is inclosed.

The Department concurs in the Acting Commissioner's recommendation; your decision is accordingly affirmed.

In your letter of October 29, 1903, you referred to certain tintype pictures designated as Exhibits A and B, which form a part of the record. These pictures are returned herewith, to be forwarded by you to Lula M. Keltner, one of the applicants. In this connection it is noted that the statement contained in page 2 of the Acting Commissioner's letter, which is as follows: "The tintype referred to in the letter of the Commission as Exhibit B is not found among the papers", is erroneous.

Respectfully,

(Signed) THOS. RYAN,

Acting Secretary.

3 inclosures, including  
two tintypes.

COPY.

Muskogee, Indian Territory, May 31, 1904.

Mary H. Darnell,

Bash, Texas,

Dear Madam:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary H. Darnell et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

(SIGNED)

*John D. Dyer*  
Chairman.



COPY

Muskogee, Indian Territory, May 31, 1904.

U. G. Winn,

Attorney at Law,

Ada, Indian Territory,

Dear Sir:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered February 3, 1903, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary E. Darnell et al.

Respectfully,

(SIGNED)

*James L. Lusk*  
Chairman.

Muskogee, Indian Territory, May 31, 1904.

Blanton & Andrews,  
Attorneys at Law,  
Pauls Valley, Indian Territory,  
Gentlemen:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered February 5, 1903, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary H. Darnell et al.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Muskogee, Indian Territory, May 31, 1904.

William G. Currie,  
Attorney at Law,  
Ada, Indian Territory,

Dear Sir:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered February 5, 1903, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary E. Darnell et al.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Kuskogee, Indian Territory, May 31, 1904.

L. D. Horton,  
Attorneys at Law,  
Durant, Indian Territory,

Dear Sir:

You are hereby notified that on the 26th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary H. Darnell et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

SIGNED)

*Jane Dixby.*

Chairman.

Muskogee, Indian Territory, May 31, 1904.

Wansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior, on April 26, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary E. Darnell et al., of which decision you were advised by mail on the 5th day of February, 1903.

Respectfully,

(SIGNED)

*John L. Luby*  
Chairman.

REFER TO M. C. R. 4

Mary C. Darwell  
et al

Consolidated Case

x John May  
father of

Elijah Allen May Jr

John May 1/4 dead  
wife  
Mary Margaret May

x Conflict in testimony as  
A given name of uncle  
"John" or "George" May

Mar 24 1880

Mary C. May 40 1/8  
mar  
James Ward, dead  
W. W. Darnell

James J. May

Mary J. May?  
mar  
John Darnell

George W. May  
mar  
Minerva Brown

John May 1/8 dead  
wife  
J. W. May, dead

Mar 24 1880

Lula M. May 33 1/8  
mar  
J. H. Keltner  
Susan May  
mar  
George Hoover

Mar 24 1880

Mar 24 1880

Mar 24 1880

Mar 24 1880

Mar 24 1880

Mar 24 1880

Mar 24 1880

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Mar 24 1880

Mar 24 1880

Mar 24 1880

Mar 24 1880

Mar 24 1880

Mar 24 1880

Lishia Ward

mar  
Tom Phillips

Hattie Ward 19 1/16

mar  
H. D. Wilson

Maggie Darnell 13

Dee Darnell "

Addie Darnell 8

Thelma Darnell 6

Bessie Darnell 15 mo

Eddie Darnell

Malvin Darnell

Sanford Darnell

Rena Darnell

Rada Darnell

Marvin Darnell

Maudie May

mar  
Wm. Messer

Claudia May

mar

Minnie May 19

Vera Keltner 11

Lewis Hoover

Arthur Hoover

Brad Hoover

Eva Hoover

Eva Phillips  
Pearl Phillips  
Muel Phillips

James Wilson 10 mo

## For Identification as a Mississippi Choctaw.

Date DEC 20 1901

Name Mary E. Darnell

Age 40 Blood 1/8

Post Office, Lusk Texas

Father: John May Head

Mother: Mary Margaret May ✓

Claims through  
Husband ✓

W. W. Darnell ✓

No claim for her

Claims for self &amp; 5 Children

Children:

Maggie Darnell 13

Vella " 11

Addie " 8

Willie " (7) 6

Bessie " 15 m

Attest



END  
OF  
ROLL